

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

222/3

CRM-M-9737-2021

Date of decision : 02.12.2021

Des Raj @ Leelu

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Rajesh Duhan, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioner has sought regular bail in FIR No.437 dated 15.07.2019, under Sections 148, 149, 302, 404 and 506 IPC, registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner contends that it is alleged in the FIR which has been lodged by the brother of the deceased that he had seen three-four persons on a motorcycle, who had given beatings to the deceased with 'lathis' and 'dandas'. He further contends that in the supplementary statement of the complainant recorded after 1 ½ months of the incident, he had named co-accused Ashok @ Shoky and Kuldeep @ Dhola as the persons who had caused injuries to the deceased. The petitioner has been arraigned as an accused on the statement of Kuldeep @ Dhola that the petitioner was also accompanying them. He also contends that the petitioner is in custody for over 02 years and 02 months and no recovery has been effected from him. He is not involved in any other criminal case. Similarly situated co-accused, Anil has been granted bail by this Court in CRM-M-36179-2020 on 04.12.2020.

Learned State counsel, upon instructions from PSI Gaurav, contends that although challan has been filed but no prosecution witness has been examined so far. She has filed the custody certificate in Court, which indicates that the petitioner is in custody for 02 years, 02 months and 25 days as on 01.12.2021.

Heard.

In view of the above especially when the petitioner is neither named in the FIR nor in the supplementary statement of the complainant and has been arraigned as an accused on the statement of co-accused, no recovery has been effected from him, he is in custody for over 02 years and 02 months, he is not involved in any other criminal case, co-accused has been granted bail, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

December 02, 2021
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No