

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-8791-2021 (O&M)
Date of Decision: April 19, 2021

Ajay Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR JUSTICE SUDIP AHLUWALIA

Present: Mr. Ashit Malik, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana

Mr. Vishwajeet, Advocate for the complainant

SUDIP AHLUWALIA, J. (Oral)

Case has been taken up through Video Conferencing in view of the outbreak of Pandemic COVID-19.

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.376, dated 31.07.2019 registered under Sections 302, 201, 120-B IPC, 1860, at Police Station Shahabad, District Kurukshetra.

2. The petitioner has remained in detention for more than 07 months since 13.09.2020.

3. Admittedly, the petitioner was not named in the FIR. The only material available against him happens to be his own disclosure statement or the statements of the co-accused persons. He is alleged to have shown the spot, where the mobile phone of the deceased Sandeep Kumar was found, after destroying the Sim card, but no recovery of any mobile phone was

actually effected. It was vehemently contended on behalf of the petitioner as already noted by the Ld. Sessions Judge, Kurukshetra, in the impugned order passed on 26.02.2021, that he was neither seen nor heard to be present in the video recording done by co-accused Krishan Gopal after murdering the deceased by hitting his head with heavy object/brick.

4. In such circumstances, the material available against the petitioner of having been in telephonic contact with the deceased person a day prior to the occurrence, at best can be regarded as very sketchy to conclude that his involvement in the alleged crime would be at par with the co-accused Krishan Gopal and Shivam, whose presence is established from video recording which is part of the challan papers.

5. No worthwhile material against the petitioner even now has been transpired, although 10 out of 39 prosecution witnesses have been examined.

6. From the detention of the petitioner suffered till date and in view of the special circumstances that the Trial is likely to take a long time due to on-set of the Covid-19 Pandemic, further detention of the petitioner for an indefinite period is not justified

7. In the circumstances and without commenting upon the other merits of the case, at this stage, prayer of the petitioner for grant of regular bail is allowed and he is ordered to be released on regular bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

8. Disposed off.

(SUDIP AHLUWALIA)
JUDGE

April 19, 2021
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No