

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

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**CRM-M-18101-2021 (O&M)
Date of Decision: 09.07.2021**

JAGDISH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. B.S. Saroha, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, D.A.G. Haryana.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Reply by way of an affidavit dated 18.06.2021 of the Deputy Superintendent of Police, Madlauda, Panipat, filed in the Registry, is taken on record.

Through this petition filed under Section 439 Cr.P.C, the petitioner seeks regular bail in case FIR No.230 dated 26.06.2020 under Sections 306, 365, 34 IPC, registered at Police Station Matlauda, District Panipat, Haryana.

Learned counsel for the petitioner submits that initially, after the inquiry, the petitioner was found innocent and cancellation report was prepared by the investigating agency and presented before the trial Court on 06.08.2020. Thereafter, the matter was reopened on 14.10.2020 and a fresh inquiry was conducted. After inquiry, Section 365 IPC was deleted and the co-accused, who are petitioner's sons, were found innocent.

Learned counsel for the petitioner further submits that in the present case, the occurrence took place on 12.06.2020, the complaint was filed on 17.06.2020, the FIR was registered on 26.06.2020 and that there is a delay of 14 days in lodging the present FIR. Still further, it is submitted that in the statement of Yajurpal, cousin of deceased-Devender, recorded on 13.06.2020, it was stated that Devender died accidentally while spraying the pesticides in the fields and he was found lying dead with the spray tank tied on his back. He further submits that the petitioner has been in custody since 27.02.2021.

On the other hand, while opposing the prayer for regular bail, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner was indicted on the basis of the disclosure statement of his own son. The petitioner has given an amount of Rs.60,000/- to the deceased on interest @2% p.m. but the deceased was not able to repay the same and on the asking of the petitioner, he have entered an agreement to sell qua his land. He further submits that though the challan stands presented, yet the charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 27.02.2021. Charges are yet to be framed. Initially, the petitioner was found innocent and cancellation report was presented before the trial Court. Further keeping in view the prevailing situation of Covid-19 pandemic, the trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed

and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

09.07.2021

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

: Yes/No

: Yes/No