

In the High Court of Punjab and Haryana at Chandigarh

209

**CRM-M-17797-2020 (O & M)
Date of Decision: February 08, 2021**

SANDEEP

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Kulvir Narwal, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.91 dated 19.02.2017, under Sections 302 and 324 IPC and Section 3 of the SC & ST (Prevention of Atrocities) Act, 1989 registered at Police Station Meham, District Rohtak.

Learned counsel for the petitioner contends that it is alleged that the petitioner killed the wife of the complainant with a broken liquor bottle and knife. He, however, contends that in the FSL report no opinion has been expressed regarding whether the finger prints which were on the knife and the broken glass bottle used in the occurrence matched with the finger prints of the petitioner. He also contends that the petitioner has been falsely implicated by the complainant because the complainant had earlier lodged an FIR in 2016 alleging that the wife of the complainant had eloped with the petitioner. He has referred to the copy of the FIR which is annexed as Annexure P-4. He further contends that the complainant had stated that the occurrence took place at 6.15 am in the morning but the same is not supported by the medical evidence

inasmuch as the Postmortem Report indicates that semi-digested food was found and, therefore, the incident would have taken place much earlier. He also contends that 12 prosecution witnesses have been examined but they have not been cross-examined as the FSL report had not been presented at the time. He further contends that the petitioner is not involved in any other case and is in custody for over 04 years.

Learned State counsel upon instructions states that 12 out of 20 prosecution witnesses have been examined. He, however, is not in a position to controvert the submissions of the learned counsel for the petitioner that 12 prosecution witnesses are to be cross-examined.

In view of the above, especially when the petitioner is in custody for over 04 years, he is not involved in any other case, 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 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

February 08, 2021
A.Kaundal

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