

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

210

**CRM-M-22251-2021(O&M)
Decided on :18.06.2021**

MANISH

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr. Manvender Singh Dalal, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG Haryana
assisted by ESI Sukhwant Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.111, dated 25.06.2019 under Sections 323, 324, 506 and 34 of the IPC (Sections 307 and 302 IPC added later on) registered at Police Station Rajaund, District Kaithal.

Learned counsel submits that it is a case of ocular testimony and thus the delay of one day in lodging of the FIR goes a long way to show that a fabricated story has been put forth by the complainant in the case in hand. Learned counsel while inviting the attention of this Court to the allegations levelled in the FIR in question has submitted that the petitioner has been attributed a *kassi* blow on the left arm of the deceased which even as per the post-mortem report was not the cause of death. It has been submitted that the fatal injury has been attributed to the co-accused Sunny.

Learned counsel still further contends that the petitioner has been in custody since 28.08.2019 and two material witnesses i.e.,

complainant and another eye-witness already stand examined. It has been submitted that since 18 more prosecution witnesses have to be examined, there is no likelihood of the trial concluding any time in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner on instructions from ESI Sukhwant Singh has submitted that though the petitioner is not attributed the fatal blow on the person of the deceased but he was an active participant in the occurrence in question. However, he has not been able to controvert the fact that two material witnesses i.e., complainant and eye-witness stand examined.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

June 18, 2021

S.Sharma(syr)

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