

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

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**CRM-M-25788 of 2021
Date of Decision:21.09.2021**

Nitesh Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ankur Lal, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

Learned State counsel seeks time to place on record the reply on behalf of the respondent as has been received by him (but which has actually not been filed).

However, learned counsel for the petitioner has received a copy thereof. He reads from paragraph 5 to submit that even as per the investigating agency itself, it was not the petitioner who was actually involved in killing the deceased, with him only being present there; and eventually he has been implicated for the commission of an offence punishable under Section 202 of the IPC.

Learned State counsel on the other hand submits that even so, the

petitioner alongwith his co-accused has been charged for the commission of an offence punishable under Section 302 of the IPC read with Section 34 thereof, other than Section 202, and therefore he does not deserve to be admitted to bail.

Having considered the matter, in view of the stand taken by the State itself, without making any comment on the actual merits of the case, with the petitioner having been in custody in the aforesaid circumstances, for about 8 months now and the trial has not effectively commenced, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial court.

September 21, 2021
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No