

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208

CRM-M-30565-2020

DATE OF DECISION: 16.02.2021

VIKAS

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Bijender Dhankhar, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Ketan Antil, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.94 dated 09.05.2019, under Sections 120-B, 304-B, 498-A, 406 read with Section 34 of the Indian Penal Code, 1860 (alternate charge under Section 302 read with Section 34 IPC added by the trial Court at the time of framing of charge), registered at Police Station Barauda, District Sonipat.

Learned counsel for the petitioner contends that the wife of the deceased had committed suicide at the house of the maternal uncle of the petitioner. The incident took place in the night intervening 08/09.05.2019 and FIR was lodged at 01:50 p.m. The post mortem was conducted at 03.30 p.m. on 09.05.2019 and the cause of death was found to be asphyxia. There were abrasions on the person of the deceased but it was opined that the duration of these injuries is about 5 days. The petitioner is in custody for over 1 year and 9 months. He also contends that the complainant who is the uncle of the deceased, in his testimony before the trial Court, did not support the prosecution case qua the involvement of the petitioner. The

co-accused namely Pataso has been granted regular bail by this Court in CRM-M-5727-2020 on 15.06.2020. The petitioner is not involved in any other criminal case.

Learned State counsel, upon instructions from ASI Sanjay, states that only 5 prosecution witnesses remain to be examined. He, however, is not in a position to controvert the submission of the learned counsel for the petitioner that the complainant, in his deposition before the trial Court, has not supported the prosecution case qua the involvement of the petitioner.

Heard.

In view of the above, especially when the petitioner is in custody for over 1 year and 9 months, the complainant did not support the prosecution case qua the involvement of the petitioner, the 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 instant 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

16.02.2021

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No