

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-40902-2021 (O & M)
Date of Decision: December, 17, 2021

YUDHVIR @ SONU

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.443 dated 31.08.2020, under Sections 302, 323, 148, 149 IPC (later on deleted Sections 148 and 149), registered at Police Station City Mahendergarh, District Mahendergarh.

Learned counsel for the petitioner contends that the petitioner has been attributed a solitary blow with a danda (stick) on the head of the deceased. He has referred to the copy of the MLR which is annexed as Annexure P-6. There is no motive which has been attributed to the petitioner. He also contends that the material prosecution witnesses including eye witnesses namely Hemraj, Deepu and Suresh, who were examined as PW-1, PW-3 and PW-4, have not supported the prosecution case qua the involvement of the petitioner. He also contends that even if the prosecution case is accepted as a whole, it would be debatable as to whether offence would fall under Section 302 or 304 IPC. The petitioner, who is 22 year of age, is in custody for over 01

year and 03 months.

Learned State counsel upon instructions from SI Ashwani Kumar states that 07 out of 25 prosecution witnesses have been examined.

Heard.

In view of the above, especially when the material witnesses have not supported the prosecution case, the petitioner, who is 22 year of age, is in custody for over 01 year and 03 months, 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

December, 17, 2021
A.Kaundal

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