

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

106+224

CRM-M-41414-2020 (O & M)

Date of Decision: 13.10.2021

SANDEEP

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

CRM-34690-2021

This application is for placing on record the affidavit and statements of PW-3 to PW-5 as Annexures P-8 to P-10.

For the reasons stated in the application, the same is allowed and the affidavit and statements of PW-3 to PW-5 are taken on record as Annexures P-8 to P-10.

CRM-M-41414-2020

The petitioner is seeking regular bail in FIR No.14 dated 08.01.2020, under Sections 302, 34 IPC, registered at Police Station Gannaur, District Sonapat.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner was not named in the FIR and was arraigned as an accused, on the supplementary statement of the complainant. It was stated that the deceased was last seen in the company of Anil @ Langdi and Raja but in the

supplementary statement, the name of Anil @ Langdi was excluded and instead, he stated that he was last seen in the company of co-accused Sahil. The petitioner was also named along with other accused. The complainant, who is the uncle of the deceased, has not supported the prosecution case qua the involvement of the petitioner in his deposition as PW2. The brother of the deceased namely Imran, who was examined as PW1 and maternal uncle of deceased namely Sabdar Khan, who was examined as PW4 have also not supported the prosecution case. The doctor, who was examined as PW3 had stated that it is possible that all the injuries on the deceased could have been sustained in a roadside accident. The petitioner is in custody for over 01 year and 09 months. He does not have any criminal antecedents.

Learned State counsel has filed custody certificate which indicates that the petitioner is in custody for 1 year and 09 months. He on instructions from ASI Sanjay also contends that 05 out of 16 prosecution witnesses have been examined. However, he is not in a position to controvert the fact that the aforementioned material witnesses have not supported the prosecution case.

In view of the above, especially when the petitioner is in custody for over 01 year, he is not named in the present FIR, material witnesses have not supported the case of the prosecution, he does not have any criminal antecedents, 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.

However, the petitioner shall not try to delay the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

October 13, 2021
anju

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