

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-42964-2020
Decided on : 05.01.2021

Jaikam

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Ms. Amrita Nagpal, Advocate for
Mr. Lokesh Sinhal, Advocate
for the complainant.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.484 dated 14.09.2019 registered under Sections 148, 149, 323, 302, 307, 506, 120-B IPC, 1860 and Sections 25, 54 of Arms Act 1959 (added later on 325, 201, 212 IPC) at Police Station Tauru District Nuh.

Learned counsel for the petitioner inter alia contends that the petitioner, who has been in custody since 15.02.2020, has been falsely implicated in the instant case on account of a dispute between two groups in the village Bawla where petitioner resides. It has further been contended that a concocted and exaggerated version having been brought forth by the complainant is evident from the fact that out of 21 persons named as accused by the complainant, 12 were found innocent and challan was presented only qua 6 persons. It has also been contended that the petitioner has not been attributed any injury on the person of the deceased and is alleged to have fired on the complainant only. Learned counsel has lastly submitted that the recovery of a broken country made pistol was foisted upon the petitioner on

the basis of a fifth disclosure statement allegedly made by him before the police.

Per contra, learned State counsel and counsel for the complainant have opposed the prayer and submissions of learned counsel for the petitioner. Learned counsel for the complainant has submitted that there are serious allegations levelled against the petitioner and he actively participated in the occurrence in question. Learned State counsel on instructions from SI Mahender Singh has not been able to controvert the factum of the petitioner not having inflicted any injury on the deceased much less the fatal injury and also the factum of recovery of broken firearm having been effected only in pursuance to the fifth disclosure statement allegedly made by the petitioner. Learned State counsel has apprised the Court that due to the outbreak of Covid-19, the charges have not been framed and are likely to be framed in the near future.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 15.02.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

05.01.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No