

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211

CRM-M-43813-2020

DATE OF DECISION: 12.02.2021

HARI OM

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sukesh K. Jindal, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.437 dated 15.07.2019, under Sections 302, 34 and 506 IPC, registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner contends that it is alleged in the FIR which has been lodged by the brother of the deceased that he had seen 3-4 persons on the motorcycle, who had given beatings to the deceased with 'lathis' and 'dandas'. He further contends that in the supplementary statement of the complainant recorded after 1 ½ months of the incident, he had named co-accused Ashok @ Shoky and Kuldeep @ Dola as the persons who had caused injuries to the deceased. He also contends that the petitioner was arraigned as an accused on the statement of Ashok @ Shoky that the petitioner was also an accomplice. He further contends that the petitioner is in custody for over 1 year and 5 months and no recovery has been effected from him. The petitioner is not involved in any other criminal case.

Learned State counsel contends that although challan has been filed but none out of 20 prosecution witness has been examined.

Heard.

In view of the above, especially when the petitioner is 22 year of age, he is not named by the complainant and has been arraigned as an accused on the statement of the co-accused, no recovery has been effected from him, he is not involved in any other criminal case, he is in custody for over 1 ½ years, 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

12.02.2021

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