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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 22.02.2021

1. CRM-M-44320-2020

Vinod

.. Petitioner

Vs.

State of Haryana

..Respondent

AND

2. CRM-M-41842-2020 (O&M)

Meena

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Khari, Advocate for
the petitioner in CRM-M-44320-2020.

Mr. Mazlish Khan, Advocate for
Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner in CRM-M-41842-2020.

Kanwar Sanjiv Kumar, AAG, Haryana.

...

Manoj Bajaj, J. (Oral)

CRM-1385-2021 in
CRM-M-41842-2020

Application is allowed, subject to all just exceptions. Annexure

P-3 is taken on record.

CRM-M-44320-2020 and
CRM-M-41842-2020 (O&M)

Petitioners have filed these separate petitions under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.114 dated 27.03.2019 registered under Sections 302 and 201 IPC, 1860 (Section 120-B IPC, 1860 added later on) at Police Station Kundli, District Sonapat The petitioners are in custody since their arrest on 01.04.2019.

Rame, wherein it was stated that on 26.03.2019 at about 05.00 p.m, when he was tethering his buffaloes at Drain No.8 at village Chhatehra, he found a dead body of unknown person lying on the side of drain, who seems to be a 45 years old man. Thereafter, he reported the matter to the Police.

Learned counsel for the petitioners has contended that the case of the prosecution is based upon the circumstantial evidence and the co-accused of the petitioners, namely, Mohit and Vivek have already been released on regular bail. He submits that though the prosecution has recorded the confession statement of the petitioners, but the said evidence may not be admissible and is also comparatively weak in nature. It is pointed out that the petitioners are in custody for the last approximately 2 years, but the trial is yet to commence. They have prayed for bail.

The prayer is opposed by the learned State counsel assisted by SI Sumer on the ground that the petitioners Meena and Vinod were having relations with each other and eliminated Khurshid Ahmad with whom also Meena was having relations. However, it is not disputed that no prosecution witness has been examined till date. He further states that the case is now fixed for 26.03.2021 for recording the evidence.

After hearing the learned counsel for the parties and considering the above background, this Court finds that the petitioners were arrested on 01.04.2019 and the trial is yet to commence as after framing of charges on 14.12.2019, no prosecution witness has been examined on behalf of the prosecution. Admittedly, the petitioners are presently confined in judicial custody and their co-accused have already been released on regular bail, therefore, the further detention of the petitioners behind the bars may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

22.02.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No