

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

(Sr. No.212)

CRM-M No. 44386 of 2020

Date of decision : 19.02.2021

Sat Narain

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. P. S. Ahluwalia, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.565 dated 21.10.2018 under Sections 302, 323, 328, 34, 342, 506 IPC registered at Police Station Rohtak Sadar, district Rohtak.

The petitioner has been prosecuted for having committed murder of Kadam Singh.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case; the petitioner is in custody since 23.10.2018; all the material prosecution witnesses including the alleged eye witness have been examined before the trial Court, who have turned hostile and the petitioner's trial in which 18 prosecution witnesses are yet to be examined will take a long time to conclude.

Learned State counsel though admits that all the material prosecution witnesses have been examined and they turned hostile but opposes the grant of bail to the petitioner on the ground that he is involved in a heinous crime of having committed murder of Kadam Singh.

The petitioner is in custody for the last nearly two years and four months; all the material prosecution witnesses including the alleged eye witnesses as also the complainant have been examined who have not towed the line of the prosecution; as per the status report filed by the State since only official witnesses remain to be examined there is no fear that the petitioner would tamper with the prosecution evidence and since 18 prosecution witnesses still remain to be examined, the petitioner's trial is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rohtak, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

19.02.2021
sunil yadav

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No