

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-807-2022

Date of Decision :14.01.2022

Sunil

...Petitioner

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pawan Kumar Hooda, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 67 dated 20.02.2021 registered under Section 302 of the IPC at Police Station Civil Lines Sonapat, District Sonapat.

Learned counsel for the petitioner argues that even in the FIR, the allegations alleged against the petitioner are that the petitioner has allegedly given fist and kick blows in the stomach of the victim, whereas, as per the postmortem report, the victim died due to a head injury, which injury concededly is not attributed to the petitioner. Learned counsel for the petitioner submits that as nothing has come on record to connect the petitioner with the allegations alleged against him and even the complainant

and other witnesses, who have been examined so far, have not supported the prosecution version, the petitioner may kindly be granted the benefit of regular bail.

Mr. Karan Garg, AAG, Haryana, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State.

Learned State counsel concedes the factual aspect that the allegations alleged against the petitioner are of giving fist and kick blows in the stomach of the victim and as the fight had taken place on metalled road probably, victim fell on the road and suffered head injury. Learned State counsel further concedes that the complainant has not supported the prosecution version but, submits that the guilt or innocence of the petitioner is to be decided on the basis of complete evidence, which will come on record during the course of trial.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the allegations alleged against the petitioner are of giving fist and kick blows in the stomach of the victim and the death of the victim is caused due to the head injury and whether the said head injury is attributable to the petitioner or not is yet to come on record by way of evidence during the course of trial coupled with the fact that the complainant and other witnesses, who have been examined so far, have not supported the prosecution version so as to connect the petitioner with the allegations alleged against him. This Court, in these proceedings, is not opining upon the innocence or guilt of the petitioner as the same will be adjudged by the trial Court on the basis of complete evidence, which will

come on record. Keeping in view the pandemic of Covid-19, the trial is likely to take some time before it concludes, no useful purpose will be served by keeping the petitioner behind the bars during the entire period of trial.

Keeping in view the facts mentioned hereinbefore, petitioner has made out a case for the grant of regular bail, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

January 14, 2022

aarti

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No