

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-6858-2022 (O&M)
Date of Decision:- 08.12.2022

Sandeep Verma ... Petitioner

Versus

State of U.T. Chandigarh ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Angad Parmar, Advocate for
Mr. Vinay Yadav, Advocate, for the petitioner.

Ms. Aditi Sharma, Advocate for
Mr. C.S.Bakshi, APP, U.T. Chandigarh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 30, dated 28.1.2019, Police Station Sector 34 (South), Chandigarh under Sections 302, 34 IPC.
2. The FIR was lodged at the instance of Gudu Kumar wherein it is alleged that on 28.1.2019 when he along with Lalit Kumar (deceased) was returning from market, they came across Sandeep and Monu who raised an argument with Lalit over some matter and hit him on his head with 'sticks' and as a result of which Lalit lost his life.
3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that as on date he has

been behind bars since the last 3 years and 10 months and that although some PWs have been examined but the complainant is not coming forward to make his statement and which is adding to the agony of the petitioner.

4. Opposing the petition, learned State counsel has not disputed the fact that the petitioner has been behind bars since the last 3 years 10 months and 8 days. It has been informed that as on date 7 out of cited 21 PWs have been examined. Learned State counsel submits that the complainant is not traceable since long and that efforts are still being made to trace him. Learned counsel in this regard has passed on a photocopy of letter dated 22.4.2022 written by the District Attorney to Senior Superintendent of Police, Chandigarh and also copies of some *zimni* orders. Learned State counsel has not disputed the fact that the petitioner otherwise is not involved in any other case.
5. This Court has considered the rival submissions.
6. It is a case where the deceased is alleged to have been inflicted blows with 'sticks' by the petitioner and his co-accused. The petitioner admittedly has been behind bars for a substantial period of 3 years and 10 months. The complainant is still not traceable and on account of which conclusion of trial is being delayed. The petitioner otherwise is not stated to be involved in any other case. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds

to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

08.12.2022
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No