

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

227

CRM-M-12357-2021

DATE OF DECISION: 24.01.2022

KULDEEP @ DHOLA

... 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. Ashish Yadav, Addl. AG. 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 (Sections 148, 149 and 404 IPC added later on and Section 34 IPC was deleted), 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, the petitioner and co-accused Ashok @ Shoky have been named as the persons who had caused injuries to the deceased. The cause of death of the deceased is due to an injury on his head. The said injury is alleged to have been caused by Ashok @ Shoky with 'danda' which had been recovered on his statement, who had further stated that the other accused had given fist blows to the deceased. No recovery has been effected from the petitioner.

He also contends that Aadhaar card, ration card and other documents were also recovered from co-accused Ashok @ Shoky. The petitioner is in custody for about 2 years and 5 months since his arrest on 02.09.2019. He is not involved in any other criminal case. Co-accused Anil and Hari Om have been granted regular bail by this court in CRM-M-36179-2020 on 04.12.2020 and CRM-M-43813-2020 on 12.02.2021 respectively.

Learned State counsel contends that 10 out of 20 prosecution witnesses have been examined. He, however, contends that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

Heard.

In view of the above, especially when the petitioner is in custody for over 2 years and 4 months, he is not involved in any other criminal case, 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

24.01.2022

SwarnjitS

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