

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

232

CRM-M-12082 of 2022

Date of Decision: 28.03.2022

Gaurav @ Kaicha

..... Petitioner

Versus

The State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Abhinav Aggarwal, Advocate,
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in FIR No.99, dated 26.04.2020 under Sections 302 and 34 IPC of the IPC (later on Sections 216, 323 and 120-B IPC added), registered at Police Station Nissing, District Karnal.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 28.04.2020 and there has been no progress in the trial and only the complainant has been examined-in-chief and an application has also been filed under Section 319 of the Code of Criminal Procedure. He also submitted that the present case is based upon circumstantial evidence and the petitioner has no role to play and therefore, the petitioner may also be considered for the grant of bail.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana, has submitted that although the petitioner is in custody from 28.04.2020 but it appears that the trial could not commence because of the restrictions imposed due to Covid-19 Pandemic. He submitted that it is a case where the petitioner along with three other persons had taken

away the deceased Sonu from his house towards on the bank of a canal

and killed him. The other material witnesses are yet to be examined. Learned State counsel further submitted that the petitioner is also involved in another case under Sections 279, 283, 337 and 338 and in view of the aforesaid facts and circumstances and looking at the gravity of the offence, the petitioner is not entitled for the grant of bail.

I have heard the learned counsel for the parties.

The petitioner is in custody from 28.04.2020, the material witnesses have not been examined although the complainant has been examined-in-chief. On a query being put to learned State counsel as to whether the complainant has supported the prosecution version, he submitted that he has supported the prosecution version and apart from the same, the allegations against the petitioner are not only serious but also are heinous particular in view of the fact that as per allegations, four persons had taken the deceased towards the canal and killed him. Apart from the same, as stated by learned State counsel, the petitioner is also involved in one other case.

Therefore, considering the aforesaid facts and circumstances of the present case, this Court is not inclined to grant the bail to the petitioner. Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

28.03.2022
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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |