

In the High Court of Punjab and Haryana at Chandigarh

206

CRM-M-14659-2022 (O & M)

Date of Decision: May 09, 2022

MOHIT

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Rakesh Sharma, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.338 dated 25.07.2019, under Section 302 IPC and Sections 25-54-59 of the Arms Act (Sections 34 and 201 IPC added later on), registered at Police Station Gannaur, District Sonapat.

Learned counsel for the petitioner, *inter alia*, submits that it is a case of circumstantial evidence and the petitioner has been implicated only on the basis of suspicion and deceased was found dead near a tube well. He further submits that the material witnesses including the complainant have not supported the prosecution case qua the involvement of the petitioner. No motive has been attributed to the petitioner. He is in custody for over 2 years and 8 months and is not involved in any other criminal case.

Learned State counsel has filed custody certificate which indicates that the petitioner is in custody for 02 years, 08 months and 09 days. He has also filed the status report by way of affidavit of Deputy Superintendent of Police, Sonipat and states that 10 out of 20 prosecution witnesses have been examined.

Heard.

In view of the above, especially when it is a case of circumstantial evidence, material witnesses including the complainant having not supported the prosecution, the petitioner is in custody for over 02 years and 08 months, 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 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

May 09, 2022
A.Kaundal

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