

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

CRM M-41256-2020

Date of Decision: 14.07.2022

Vinod @ Harsh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashok Kumar Sharma, Advocate,
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

MAHABIR SINGH SINDHU. J.

Third petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.15 dated 05.01.2018, under Sections 201, 302 & 397 read with Section 34 of the Indian Penal Code, 1860 registered at Police Station Sadar, Karnal.

2. The above mentioned FIR was registered on the statement of one Palwinder Singh son of Sh. Bhupinder Singh caste Jat Sikh resident of Salaru, Police Station Sadar, Karnal with the allegations that he is Sarpanch of the village. He had received information that on the way to Taprana from his village, a dead-body of some person was buried near the field of Beer Singh son of Singara resident of Salaru. The dead-body was taken out in the presence of police and other officials, but it was not identified. The dead-body was of some unknown person, whose hands, feet and mouth were tied. There were injuries on the body. After seeing the dead-body, it seems *prima facie* that somebody had committed the murder.

3. This Court, on 15.02.2021, while granting interim bail to the petitioner, passed the following order:-

“Contends that petitioner is in custody since 20.01.2018 and there is no progress in the trial.

Learned State counsel seeks time to verify the same.

Posted on 22.04.2021.

Let the petitioner be released on interim bail, till the next date of hearing, on his furnishing bail bond and surety bond to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

4. Learned counsel, on instructions from petitioner, submits that he has been regularly appearing before learned trial Court, but there is no progress. Further contends that petitioner is not involved in any other case. Also contended that in case, petitioner is granted bail on regular basis, there is no apprehension or allegation that petitioner shall influence the witnesses or tamper with the evidence in any manner.

5. The above factual position is duly acknowledged by learned State Counsel.

6. Concededly petitioner was juvenile on the date of alleged commission of offence.

7. In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose. Consequently, the present petition is allowed and interim bail granted vide order dated 15.02.2021, is made absolute. Petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

9. The above observations may not be construed as an expression of opinion on the merits of the case.

10. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

14.07.2022

SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No