

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

**CRM-M No. 1050 of 2024 (O&M)
Date of Decision: 14.02.2024**

Arun

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.176, dated 15.06.2018, under Section 302 of IPC, registered at Police Station Narnaund, District Hansi, whereby the petitioner has been implicated with the allegations of having murdered a boy called Vicky, who happened to be son of the complainant.

[2] Learned counsel for the petitioner submits that the petitioner is in custody since 16.06.2018 and has been falsely implicated in the present case; thus, prayer is for grant of regular bail to the petitioner.

[3] On the other hand, learned State counsel vehemently opposes the prayer made on behalf of the petitioner, while referring to the injuries inflicted upon the person of deceased by the petitioner,

which resulted into fracture on his head, nose as well as on neck.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[5] In the present case, the incident took place on 15.06.2018; the petitioner is behind the bars for the last about 5 years and 7 months; the investigation stands concluded with the filing of challan and the trial is likely to take long time, which is apparently defeating the rights of the petitioner as that of speedy trial arising out of Article 21 of the Constitution of India. Moreover, it has also been argued by learned counsel the petitioner that even if the prosecution version is taken to be at face value, it would be highly debatable whether it is a case of Sections 302 or 304 (Part-II) of IPC, as the offence was never committed in a pre-meditated and pre-determined manner as the incident took place in the spur of the moment. Though, the aforesaid question needs to be dealt with at the stage of trial, however, considering the overall circumstances of the case as well as custody period of the petitioner, this Court does not find justification to extend the incarceration of the petitioner any further.

[6] In view of the above, but without commenting upon merits of the present petition, the same is **allowed**. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty

Magistrate concerned.

[7] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

February 14, 2024
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(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>