

Law Today Live Doc. Id. 15544

PUNJAB AND HARYANA HIGH COURT

Before: Sudip Ahluwalia, J.

CRM-M-32729-2020 (O&M)

Decided on: 29.10.2020

Pawan

Petitioner

Versus

State of Haryana

Respondent

Present:

Ms. Monika Tanwar, Advocate, and Mr. Ramnish Puri, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Indian Penal Code, 1860 (45 of 1860), Section 346/34, 302, 364, 201, 411, 404, 120-B -- Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- Murder case -- Regular bail -- Contention that dead-body, over which, the Post Mortem was conducted, was not actually identified by anyone, including the complainant -- Charges were framed in the Ld. Trial Court as far back on 17.01.2020, thereafter, the prosecution evidence could not commence, on account of onset of Covid-19 pandemic, although as many as 34 witnesses have been cited in the challan -- Trial is unlikely to conclude in a reasonable short period of time due to prevailing Pandemic -- In view of the detention undergone by the petitioner, the prayer of the petitioner for regular bail allowed and he is ordered to be released on bail.

(Para 3-5)

SUDIP AHLUWALIA, J. (ORAL) --

CRM-25586-2020:

Allowed as prayed for, subject to all just exceptions.

CRM-M- 32729-2020:

This is a petition for regular bail filed under Section 439 Cr.P.C., on behalf of the petitioner, in case FIR No.32 dated 12.02.2019, under Sections 346 and 34 of the IPC (Sections 302, 364, 201, 411, 404 and 120-B of the IPC added later on), registered at Police Station Baroda, District Sonipat.

2. The petitioner has remained in detention since 13.03.2019.

3. Ld. Counsel for the petitioner contends that the dead-body, over which, the Post Mortem was conducted, was not actually identified by anyone, including the complainant, and that in the circumstances, his client should not be detained at this stage, for an indefinite period.

4. It transpires that after completion of investigation, charges were framed in the Ld. Trial Court as far back on 17.01.2020. Thereafter, the prosecution evidence could not commence, on account of onset of Covid-19 pandemic, although as many as 34 witnesses have been cited in the challan. It now appears that the trial is unlikely to conclude in a reasonable short period of

time due to prevailing Pandemic.

5. As such, without commenting any further on the merits of the present case as a whole, but in view of the detention undergone by the petitioner, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Disposed off.

Petition allowed.
