

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-733-2020 (O&M)

DATE OF DECISION: MAY 20, 2020

LAVISH TYAGI

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. MOHIT SADANA, ADVOCATE FOR THE PETITIONER.
MR. PARPDEEP PARKASH CHAHAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

CRM-10918-2020

This an application for placing on record Annexures P-2 to P-5.

The same are taken on record. Application is allowed.

CRM-10921-2020

Learned counsel for the applicant-petitioner submits that similarly situated co-accused have been extended the concession of regular bail by the trial Court. Therefore, he prays for preponement of the date of hearing, as the case of the petitioner is at par with other co-accused.

Notice of the application.

Mr. Pardeep Parkash Chahar, DAG, Haryana accepts notice on behalf of the State and does not oppose the prayer made in the application.

For the reasons mentioned in the application, the date of hearing is preponed to today.

Application stands disposed off.

CRM-M-733-2020

The petitioner has filed this petition for grant of regular bail in case FIR No.228 dated 30.5.2019, under Sections 148, 149, 323 and 302 IPC, Police Station Rajendra Park, District Gurugram, pending trial. The petitioner is in custody since his arrest on 29.6.2019.

The FIR was registered on the basis of statement of Usha w/o Padam Singh wherein it was alleged that on 22.5.2019, she was cooking the dinner, whereas her husband Padam Singh (deceased) was watching television and her son Krishan was in outer area of the house. The complainant heard screams of her son and found that Nikki, Junk Dealer and Mithun were armed with dandas and were beating her son. When the complainant and her husband intervened, then they started beating the complainant and her husband. The complainant's husband suffered injuries and was admitted to Shri Gobind Hospital, Gurugram on 23.5.2019, who was later on referred to Safdarjung Hospital, New Delhi. The husband of the complainant died on 29.5.2019. On these broad allegations, the above case was registered.

Learned counsel for the petitioner contends that the complainant and eye witness Krishan (PW5) have levelled allegations against accused Nikki and Mithun and the petitioner has not been named in the FIR. He has drawn the attention of the Court to the orders dated 21.3.2020 and 31.3.2020 (Annexure P-5), whereby the trial Court granted regular bail to co-accused Anivash @ Sunny and Yash Narang @ Goldy, respectively and submits that the case of the petitioner is at par with these

two accused persons. He contends that the eye witness, namely, Krishan (son of the complainant) has already been examined by the prosecution as PW5 and the said statement is on record as Annexure P-3. It is emphasized that as per this witness, accused Nikki was the person who caused injuries to his father. Learned counsel prays that the trial is likely to consume a considerable time and therefore, the concession of bail be extended to the petitioner during the pendency of the trial.

Learned counsel for the State, on the other hand, on instructions from ASI Lovekesh has opposed the prayer on the ground that the petitioner was one of the assailants who was accompanying other accused persons. According to him, the petitioner caught hold of the victim and his co-accused gave danda blow on the head of Padam Singh. However, it is not disputed that the case of the petitioner is at par with the other accused, namely, Avinash and Yash Narang, who have been extended the concession of regular bail.

After hearing learned counsel for the parties, this Court does not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds

to the satisfaction of the trial Court/Duty Magistrate, concerned.

The petition is allowed.

May 20, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No