

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7868-2020

Date of Decision: August 13, 2020

Rahul alias Jadu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. D.S.Matya, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.463 dated 19.07.2019, under Sections 302, 120-B, 34, 201 IPC and Section 25 Arms Act, 1959, registered at Police Station, Sector-7, District Faridabad. The petitioner is in custody since his arrest on 23.10.2019.

As per the allegations in the FIR, complainant-Sanjay Kumar was posted on the post of Photographer in Dainak Jagran Newspaper. On 19.07.2019 at about 02:15 p.m., he received a phone call of his father Ram Chander that Vinay had been stabbed with knife and was admitted in Sarvodaya Hospital. He reached Sarvodaya Hospital and doctors told him that Vinay had died. About one year back, a fight took place between his son and Abhishek with Aniket Nagar and his friends and they had compromised the matter by sitting in Court, but Aniket Nagar and his friends, namely, Deepak Thakur, Harsh Thakur, Shekhar Nagar, Sunder Nagar and Gucha Nagar were holding grudge against his son Vinay, who

had told him about this four-five months back, but he did not take it seriously and persuaded his son that this was the matter of neighbourhood and should not fight with each other. According to the complainant, the above named boys in connivance with each other, had killed his son by stabbing with knives. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the fatal blow to the victim was attributed to Aniket Nagar and Harsh Thakur and the petitioner was not even present at the place of the occurrence. He further submits that the other two co-accused, namely, Gaurav and Sagar, who were present at the place of occurrence, have been released on regular bail by the trial Court. Learned counsel has further invited the attention of this Court to the bail order dated 19.12.2019, whereby co-accused Deepak Thakur was released on regular bail.

On the other hand, learned State counsel, assisted by ASI Samay Singh, does not dispute this fact that as per the prosecution, the petitioner was not present at the place of occurrence and the fatal blow to the victim was given by Harsh and Aniket.

Considering the above background, custody of the petitioner and the fact that his similarly situated co-accused have already been released on bail, this Court does not find any reason to decline the prayer, particularly when the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread. The petitioner after his arrest on 23.10.2019 is presently confined in judicial custody, therefore,

his further detention behind the bars 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 subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Faridabad.

The petition is allowed.

August 13, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No