

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10349-2020 (O&M)

DATE OF DECISION: JUNE 22, 2020

HANUMAN AND ANOTHER

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. BALBIR SINGH JASWAL, ADVOCATE
FOR THE PETITIONERS.

MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

CRM-12125-2020

This application has been filed for adding the offences punishable under Section 148/325 IPC as the same were inadvertently not mentioned in the main petition. Alongwith the amended petition, additional documents have also been annexed.

Since the prayer made by the applicant-petitioners has not been opposed by learned State counsel, the same is allowed.

Amended petition is taken on record.

CRM is disposed off.

CRM-M-10349-2020

The petitioners have filed this petition for grant of regular bail under Section 439 Cr.P.C. in case FIR No.260 dated 21.10.2019 under Section 147/149/323/506 IPC, Police Station Bawal, District Rewari. The

petitioners are in custody since their arrest on 22.10.2019. Subsequently, offences punishable under Section 148/325/302 IPC were added later on through DDR No.23 dated 22.10.2019.

The above FIR was registered at the instance of complainant Dinesh s/o Rohtash Singh who stated that he was resident of Nauchana. They had previous enmity with Rakesh s/o Hazari Singh. On 21.10.2019 at about 6.30 p.m., Rakesh s/o Hanuman, Krishan s/o Jai Singh, Naresh s/o Jai Singh, Praveen s/o Raju, Navin s/o Raju, Bajrang s/o Satyavir, Rampal s/o Mahinder, Babloo s/o Ram Avtar, Hanuman Singh s/o Hazari Singh, Jai Singh s/o Hazari Singh residents of Naichana alongwith 5/7 other persons armed with Lathies, iron rods, Farsa came near to their house and started hurling abuses on them. On hearing the noise, when he alongwith his father came out of the house, then Rakesh, Krishan, Naresh, Parveen and Navin suddenly launched an attack on them and gave lathi, rod and danda blows upon his father, who got injured and fell down. On hearing their cries when Ajay, Shamsheer, Suresh and Asha Devi came out, the accused attacked on them also. All of them suffered injuries and when villagers and neighbours collected there, the accused fled away. Later the villagers reached and took his father, Shamsheer, Ajay and Suresh to the hospital.

Thereafter, injured Rohtash s/o Ram Nath succumbed to the injuries suffered in the above occurrence and the police through DDR No.23 dated 22.10.2019 added offences punishable under Section 148/325/302 IPC.

Learned counsel for the petitioners contends that as per FIR only five persons, namely, Rakesh, Krishan, Praveen, Naresh and Navin had caused injuries to the victims including Rohtash (deceased). It is pointed out by him that during investigation, accused Praveen who was named in the FIR was found innocent alongwith another co-accused Babloo. Learned counsel for the petitioners has argued that though the FIR was against ten persons, but the petitioners were not attributed any role in the FIR. According to him, the investigation of the case is complete, however, no witnesses has been examined so far and therefore, further custody of the petitioners may not be necessary. He has prayed for concession of regular bail.

On the other hand, learned State counsel assisted by SI Madan Lal has opposed the prayer on the ground that the petitioners were members of the unlawful assembly and they participated in the crime alongwith others. However, it is not disputed by him that no injury was caused by these petitioners to victim Rohtash who died on 22.10.2019. According to him, Rampal who was armed with a danda had given a blow on the head of Ajay and the said injury was simple in nature whereas, Hanuman had given a danda blow on the arm of Ajay and the said injury is punishable under Section 325 IPC. It is apprised by him that in all there are 24 witnesses and no one has been examined so far because of the ongoing pandemic in the region.

Considering the above background and the fact that 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 petitioners may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, the petitioners are ordered to be released on bail, subject to their furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

The petition is allowed.

June 22, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No