

CRM-M-12636-2020
Date of decision-27.05.2020

Vs.

The FIR was registered on the basis of statement given by Dalip Singh s/o Gopi Ram, wherein it was alleged that on 15.4.2018 at about 10/10.30 p.m., he received a telephonic information whereby Hanuman alias Bhani had told to Vikas and his nephew, namely, Nathu Ram, that his son Baljeet Singh had received injuries from Hanuman @ Bhani and he was lying on the road. Thereafter, the complainant alongwith others reached at the spot and found his son Baljeet Singh lying with broken legs. According to the complainant his son was murdered by Hanuman @ Bhani and others.

On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the main accused as per prosecution is Hanuman who is in custody and his other co-accused, namely, Vikash has been released on regular bail vide order dated 11.07.2019 passed by this Court in CRM-M-28172-2019. It is pointed out by him that the injuries were suffered by the victim on the non-vital part of his body (legs) and further referred the statement of PW-7, Dr. Preeti Raheja who stated that the timely medical help could have saved the injured. He submits that the prosecution has examined 07 witnesses out of the total 24 witnesses including the complainant-Dalip Singh. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel, on instructions from ASI Ramesh Kumar has opposed the prayer on the ground that the petitioner was present at the place of occurrence and had participated in the crime. He submits that on his disclosure blood stained iron pipe was recovered from him. He has submitted that the previous application filed by him i.e. CRM-M-36360-2019 was dismissed on merits vide order dated 24.09.2019. It is contended that the case of the co-accused-Vikash is on different footings as he was not present at the place of occurrence. He has contended that the CD containing the occurrence captured through the video recording on a mobile phone establishes the presence of the petitioner on the spot as he himself did the recording. It is further apprised by him that the case before the trial Court is fixed for 22.07.2020 for recording the prosecution witnesses.

At this stage, Mr. Kotla has contended that if the petitioner was

actually recording the occurrence, then it is not possible that he himself is seen in the said recording. He submits that the material witnesses have been examined and therefore, further custody of the petitioner may not be necessary.

After hearing learned counsel for the parties and considering the custody of the petitioner, this Court does not find any reason to decline the prayer, particularly when the trial is likely to consume considerable time to conclude in the wake of the outbreak of global pandemic, namely, COVID-19 in the region, as the State Government and District Administration have imposed various restrictions to curb its spread. The complainant has already been examined by the prosecution as witness before the trial Court, therefore, further detention of the petitioner 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 in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Fatehabad.

The petition is allowed.

27.05.2020

vanita

**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No