

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.13495 of 2020
Date of Decision: June 24, 2020

Mithun Kumar Mandal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mohit Sadana, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner-Mithun Kumar Mandal has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.228 dated 30.5.2019, under Sections 302, 323, 148 and 149 IPC, registered at Police Station Rajendra Park, District Gurugram, pending trial. The petitioner is in custody since his arrest on 14.6.2019.

The FIR was registered on the basis of statement of Usha wife of 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 material witnesses have testified before the Court and wife of the victim, namely, Usha, while appearing as PW-3 testified that the danda blow on her husband was given by co-accused of the petitioner, namely, Nikki. It is pointed out by him that though the petitioner was named in the FIR, but in all, there are 5 accused, who have been sent to face trial and three of them are on bail. He has placed reliance upon the order dated 20.05.2020 passed by this Court, whereby co-accused, namely, Lavish Tyagi was released on regular bail. It is also pointed out that as per the medico-legal report, injuries found on the person of the victim were in the nature of abrasion. He further submits that the trial is likely to consume considerable time and the petitioner be released on regular bail.

On the other hand, learned State counsel, has opposed the prayer on the ground that the petitioner is named in the FIR. He participated in the crime and was armed with a danda. He has pointed out that the son of the victim, namely, Krishan, appeared before the trial Court as PW-5, who stated that the petitioner along with Nikki had caused injuries upon the victim. It is not disputed that co-accused Avinash @ Sunny, Yash Narang @ Goldy and Lavish Tyagi are on regular bail.

Considering the above, custody of the petitioner and the fact that the trial is likely to consume considerable time in view of the spread of global pandemic, namely, COVID-19 as the State Administration has

imposed restrictions to curb its spread, so no useful purpose would be served by keeping the petitioner behind the bars. 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, Gurugram.

The petition is allowed.

June 24, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No