

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14868-2020

Date of Decision: 29.06.2020

Pawan @ Pawan Kumar

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gurvinder Sandhu, Advocate for the petitioner.

Mr. Pardeep Chahar, DAG, Haryana.

...

Manoj Bajaj, J.

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.200 dated 29.04.2017 registered under Sections 323, 325, 302 IPC read with Section 34 IPC, 1860 (Sections 148 and 149 IPC added later on), at Police Station Dharuhera, District Rewari, pending trial. The petitioner is in custody since his arrest on 22.06.2017.

The FIR was got registered by complainant Vikas, wherein it was alleged that at the intervening night of 22/23-4-2017 at around 11:30 p.m., complainant was going to drop his friend Amit at his house at Kharkhada in the Xylo car bearing No. HR-47-B-6644, which belonged to Dharmender. Amit was driving the car and when they reached at Dhani Munniram near Alawalpur Road near Kharkhada dam, a Swift VDI car was parked in the middle of the road and on the back of it, two persons were standing and drinking beer. Complainant and Amit could not pass and asked them to move their car, then 3-4 persons came outside from the car with rod

and iron bar (saria) and started beating them. In order to save his life, the complainant ran towards the fields, but the accused chased and gave beatings. At the same time, one tractor was coming from Alwalpur side to Kharkhada and on seeing beatings, some men and women started alighting from the tractor and on seeing them, the accused ran away from the spot in their car, which was without number plate. The injured were taken to hospital and on 29.04.2017, Amit succumbed to the injuries. The complainant suspected involvement of Deepak, Bheem, Yogesh, Vikash, Avdesh, Pankaj, Ravi, Mohit Gurjar, Bishu, Kachhu @ Sachin, Raj and Sanjay Gurjar in the crime. On these broad allegations, the above said FIR was registered.

Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor any role was attributed to him. However, he was indicted as an accused on the basis of disclosure statement suffered by co-accused. Learned counsel further contends that the material witness, namely, Vikas (complainant), who testified before the Court as PW-1, has not supported the prosecution case and was declared as a hostile witness. According to him, in all 17 witnesses have been examined by the trial Court and despite the directions given by this Court on 18.12.2019, the prosecution evidence has not concluded. He submits that the prevalent situation in the country may further delay the trial and, therefore, his further custody may not be necessary. He prays for grant of regular bail, pending trial.

On the other hand, learned State counsel assisted by SI Naresh Kumar has opposed the prayer on the ground that the car used in the crime was recovered from the petitioner, however, it is not disputed that the owner

of the vehicle is Dinesh Kumar (PW-5), who has also been examined as a witness. He has not disputed the fact that the complainant, namely, Vikas has not supported the prosecution case and out of total 18 witnesses, 17 have been examined.

Considering the above, the stage of the trial 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, Rewari.

The petition is allowed.

29.06.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No