

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-16028 of 2020

Date of Decision: 23.07.2020

Shakti

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Sahil Gupta, Advocate
for the petitioner(s).

Mr. Chetan Sharma, Assistant Advocate
General, Haryana for the respondent.

Anil Kshetarpal, J.

The petitioner prays for grant of regular bail pending trial in FIR No. 67, dated 18.06.2019, registered under Sections 148, 149, 323 and 506 IPC (Section 302 IPC was added lateron) at Police Station Satnali, District Mahendergarh.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Naraul in para 2 of the order dated 08.05.2020, which is extracted as under:-

“2. In brief, FIR of the present case was lodged on the complaint of complainant Vikas son of Rajender, on the allegations that he is resident of village Bass Satnali. On 17.06.2019, complainant alongwith Arun and Sanjay came at Satnali on a motorcycle. At about 11.00 a.m. or 12.00 O'clock, they reached to Narender Kumar. In the meanwhile,

complainant received a telephonic call from Shakti, who was calling them at his office. On this, all the three reached at the office of Shakti. Complainant was shaking hand with Shakti, suddenly some boys who were already present there armed with danda, iron rods started beating to complainant, Arun and Sanjay. Complainant and Arun somehow managed to flee away from the spot to save their lives, but Sanjay could not do so and he was mercilessly beaten by the assailants. Complainant has seen the entire occurrence. Accused persons had beaten the complainant and others without any reason. Assailants were saying that you are left and would be killed in future. Legal action may kindly be taken. On this complaint, formal FIR was recorded. Matter was investigated. During investigation on 25.6.2019 after obtaining opinion of doctor offence under section 307 IPC was added. On 27.6.2019 accused Shakti Singh, Chandan, Pawan @ Chhanga and Amit @ Godi were arrested. During treatment injured Sanjay had died. Thereafter, offence under section 302 IPC was added. On 12.7.2019 accused Ravinder @ Kalia was arrested. After completing all the usual formalities, challan has been presented before the court”.

Learned counsel for the petitioner contends that as per final report submitted by the police under Section 173 Cr.P.C., the petitioner gave beatings to Vikash and not to the deceased. He further submits that conclusion of the trial of the case is likely to take time. He further submits

that the petitioner is in custody for more than one year.

On the other hand, learned State counsel has sent reply through e-mail along with the statements of the prosecution witnesses. Learned State counsel has drawn attention of this Court to the statement of Vikash son of Rajender, the injured, who has stated that the petitioner and four other persons started giving beatings to all three of them with wooden sticks and a wooden log. He further submits that the trial of the case has already commenced as out of eight witnesses proposed to be examined, three have already been examined.

This Court has considered the submissions of the learned counsel, however, finds no ground to grant regular bail to the petitioner at this stage. The trial of the case has already made substantial progress. In such circumstances, prayer for grant of regular bail to the petitioner is declined. However, the learned trial Court is requested to make efforts to expeditiously conclude the trial after the restrictions on the working of the Courts, due to the spread of corona virus, are over.

Dismissed.

(Anil Kshetarpal)
Judge

July 23, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No