

CRM-M-17688-2020

Date of decision: 08.07.2020

Bhura

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Devender Kumar, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to official respondent.

Mr. B.S. Virk, DAG, Haryana puts in appearance and accepts notice on behalf of the official respondent.

Petitioner/accused-Bhura has come up in this regular bail application under Section 439 Cr.P.C., in a case bearing FIR No.100 dated 08.04.2017 under Sections 148, 149, 323, 354, 452, 506 of the Indian Penal Code (Sections 325, 294 and 302 of the IPC added later on) registered at Police Station Bahin, District Palwal, the earlier one having been declined by this Court vide order dated 23.05.2019.

Upon hearing the learned State counsel and counsel for

the petitioner, the perusal of the records, the precise allegations of the complainant are that on 07.04.2017 around 09:00 PM while Suman, wife of the complainant along with Usha, were present, the accused/petitioner along with his co-accused/non-applicant-Raj Kumar in an inebriated state came there whereas, the petitioner-Bhura hit Usha on her breast and when Suman tried to intervene, Raj Kumar gave a punch on her mouth as a consequence of which, her upper two front teeth were broken. Hearing commotion people gathered and the accused ran away. It is subsequent thereto after sometime both the accused again came accompanied by non-applicant/co-accused, Manoj, Daya Ram, Gopal, Azad, Moni, Shakuntla and Harwati armed with lathi, danda sariya and assaulted Chetram, father of the complainant and gave him injuries. Petitioner is attributed a blow on the left side of the head of the deceased and similar injuries attributed to co-accused/non-applicant-Raj Kumar resulting in death of the deceased. It is not in any manner displaced that the co-accused-Raj Kumar has been allowed bail by this Court vide order dated 10.06.2020 and the submissions made by counsel for the petitioner that the case of the petitioner is akin to that of his co-accused-Raj Kumar who too is attributed a simple injury on head.

Further in light of the parity and the fact that the investigations and trial is not likely to be concluded in the near future and this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Culpability,

if any, shall be determined at the time of trial. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands disposed off accordingly.

08.07.2020
Neha

(FATEH DEEP SINGH)
JUDGE

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