

CRM-M-18146-2020 (O&M)

Date of Decision: 21.09.2020

Lakhan @ Motu

...Petitioner

Versus

State of Haryana

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANT PARKASH**Present:** Mr. Pawan Singh, Advocate for the applicant-petitioner.

Ms. Sheenu Sura, DAG, Haryana.

SANT PARKASH, J.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

CRM-23411-2020

This is second application for preponement of date of hearing of the case which has been fixed for 28.10.2020 on account of changed circumstances as main co-accused namely Pardeep Kumar and Mayank @ Monu have been granted regular bail pending trial by the learned trial Court vide orders dated 09.09.2020 (Annexures P-11 and P-12).

After hearing the learned counsel for the parties, the present application is allowed and the main case is taken up for hearing today i.e. 21.09.2020.

Main case

Petitioner seeks bail pending trial in FIR No.916 dated 27.11.2018 registered under Sections 148, 149, 302, 120-B and 506 of the Indian Penal Code and Section 3 of SC & ST Act, 1989 at Police Station City Sonipat, District Sonipat.

As per the case of the prosecution, the present petitioner and co-accused are alleged to have committed the murder of Vikas @ Vicky for keeping grudge for old enmity. The petitioner and co-accused were allegedly holding weapons like axe, knives, swords, sua, lathis etc. at the

time of incident.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He was not named in the FIR. His name subsequently cropped up in the disclosure statement of co-accused. He has further submitted that the present petitioner deserves concession of regular bail as main accused namely Pardeep Kumar and Mayank @ Monu have already been granted regular bail by the learned trial court.

Learned counsel for the State has submitted that there is sufficient material against the present petitioner and therefore, he does not deserve the concession of regular bail.

This Court has heard learned counsel for the parties and perused the paper book.

Petitioner is in custody for the last more than 1 year and 6 months. Learned counsel for the State does not dispute the custody period. Challan has already been presented. Trial is not likely to be concluded in near future as out of total 27 witnesses, only 4 prosecution witnesses have been examined so far. It is also not disputed by the learned counsel for the State that the main accused namely Pardeep Kumar and Mayank @ Monu, who have caused injuries to the deceased, have been granted the concession of regular bail by the learned trial Court vide orders dated 09.09.2020 (Annexures P-11 and P-12).

Without commenting on the merits of the case and keeping in view the aforesaid facts, it is considered appropriate to release the petitioner namely Lakhan @ Motu on bail pending trial subject to his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Petition stands allowed.

21.09.2020
mks

(SANT PARKASH)
JUDGE

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