

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-18986 of 2020 (O&M)

Decided on:- August 21, 2020.

Manish.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. S.S. Mor, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Ms. Surya Dhanda, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-20035-2020

The copy of post-mortem report dated 25.10.2019 issued by PGIMS, Rohtak (Annexure P-6) is taken on record subject to all just exceptions.

CRM stands disposed of.

CRM-M-18986-2020

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in FIR No.819 dated 25.10.2019 under Sections 147,

148, 149 and 302 IPC (Sections 147, 148 and 149 IPC were deleted and Section 34 IPC was added subsequently) registered at Police Station City Bhiwani, District Bhiwani.

The aforesaid FIR was registered on the statement of complainant Vijay, who is father of deceased Vikas @ Natti. As per the FIR, on 24.10.2019 at about 04.30 P.M. the complainant received information that a quarrel had taken place with his son Vikas @ Natti. When the complainant reached the spot, he saw that 5-6 boys were beating his son. On hearing the noise, many persons gathered there on which, the assailants fled away from the spot with their respective Lathis and Dandas. On inquiry, the complainant came to know that Manish @ Fauji Chauhan (petitioner herein) along with other co-accused was involved in beating the son of complainant. Injured Vikas @ Natti was taken to General Hospital, Bhiwani and then he was referred to PGIMS, Rohtak, where he died during the treatment.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 26.10.2019. The charge was framed in the case on 25.02.2020 and thereafter, the case was fixed for recording prosecution evidence on 16.03.2020, but no witness has been examined so far, of course, because of COVID-19 pandemic.

He has further submitted that no role has been attributed to the petitioner and he has been named by the complainant on the basis of some alleged inquiry made by him and thereafter, the complainant has furnished an affidavit dated 03.07.2020 (Annexure P-2) to the effect that the complainant and his family members have verified the fact that neither the petitioner

quarrelled with deceased Vikas @ Natti nor he gave any beating to him (deceased) and the police has wrongly taken action against the petitioner.

Learned counsel for the complainant does not dispute the contents of affidavit (Annexure P-2) and has submitted that she has no objection in case the petitioner is admitted on bail.

Learned State counsel, on instructions from HC Sushil, submits that no doubt, the petitioner is in custody since 26.10.2019, but as per the post-mortem report, there were 14 injuries on the person of deceased Vikas @ Natti.

I have heard learned counsel for the parties.

The complainant, who is author of the FIR, has furnished an affidavit (Annexure P-2) that neither there was any quarrel between the petitioner and the deceased nor the petitioner gave any beating to the deceased. The petitioner is in custody since 26.10.2019. Moreover, the case is pending before the trial Court for recording prosecution evidence since 16.03.2020 and in view of COVID-19 pandemic, no evidence is being recorded. Therefore, in the background of the case when the complainant himself has furnished an affidavit in favour of the petitioner and there is a reference in the FIR that the complainant has named the petitioner on the basis of an inquiry, this Court finds that the culpability of the petitioner is yet to be established during the trial and he deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

August 21, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No