

212 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-19660 of 2020 (O&M)
DATE OF DECISION : 05.11.2020**

Sachin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rakesh Nehra, Advocate,
 for the petitioner.

Mr. Bhupender Singh, DAG Haryana.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

1. This is a petition for grant of regular bail in FIR No.306 dated 16.06.2018, under Sections 323, 324, 452, 148, 149, 307, 302 and 201 IPC and Section 25 of Arms Act and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Police Station Sadar, Rohtak.

2. Per FIR registered at the instance of Sewa Singh, on 15.06.2018, an altercation took place between his son Ravinder and uncle Balwan. They were pacified with intervention of others. However, still nursing grudge, Balwan accompanied by his wife Brahmi, son Harish and his friend Sheena @ Sunil and 3-4 unknown friends of Harish, who were having knives and sticks, entered the house of complainant the next day. Harish and Sheena inflicted injuries with knife to son Ravinder and daughter Kavita. They also caused injuries with knives to the complainant and his wife in order to kill them. Thereafter, they fled from the spot. Injured were shifted to hospital for treatment.

3. FIR was registered. During investigated Kavita succumbed to her injuries and offence under Section 302 IPC was also later added.

4. Learned counsel for the petitioner contends that neither petitioner has been named in the FIR nor any specific role has been attributed to him. According to him, as per prosecution, a wooden stick was recovered from him. Even the fatal injury is also not attributed to the petitioner. He further submits that petitioner is in custody since 01.07.2018. He further submits that co-accused Brahmi, who too has not been attributed any specific role in the occurrence, has been granted concession of regular bail by this Court vide order dated 21.02.2019 passed in CRM-M-2249 of 2019. Petitioner is on better footing in as much as having undergone about 1 year and 8 months of incarceration even after release of co-accused Brahmi. During trial, PW2 Rakesh has not supported the case of prosecution. According to him, presently there is no headway in the trial due to Covid-19 pandemic where the Courts are working with restrictions and taking up only urgent matters and during current scenario of Covid-19 pandemic, the trial is not likely to resume any time soon.

5. On the other hand, learned State counsel opposes the bail plea. He though admits that the petitioner was not attributed any specific role in the FIR and only a wooden danda was recovered from him. He admits that presently there is no headway in the trial due to pandemic and does not controvert that co-accused has already been released on bail.

6. Having heard learned counsel for the petitioner and learned State counsel, I am of the opinion that no useful purpose would be served by keeping the petitioner in further preventive custody. Investigation is already complete. Challan has been presented. The trial is not likely to commence or

conclude any time soon on account of current pandemic conditions. The petitioner is stated to be in custody since 01.07.2018. He has not been attributed any specific role in the FIR. That apart, co-accused Brahmi, who has also not been attributed any specific role in the occurrence has already been released on bail way back on 21.02.2019 vide order *ibid*.

7. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on her furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. It is however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

November 05, 2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No