

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-22527-2020(O&M)

Date of Decision: 18.8.2020

Govind @ Bhonda

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Aman Pal, Advocate for the petitioner.

Mr. Parveen Bhadu, AAG, Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 439 Cr.P.C seeking benefit of regular bail to the petitioner in case FIR No.345 dated 14.4.2018 registered under section 302 I.P.C, at Police Station, Chandni Bagh, District Panipat.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Netar Pal. Deceased is Bhopal, brother of the complainant. Version of the complainant is that on 13.4.2018 one Amit had taken away his brother from the residence. Bhopal having not returned back home the complainant started searching for him. On 14.4.2018 when the complainant reached the plot of Chander son of Mange Ram he heard the cries of his brother Bhopal and upon proceeding towards the spot he noticed that his brother was lying on the floor covered in blood and had a number of injuries in his head and

chest. Complainant asserted that his brother disclosed to him that Amit, Kuldeep, Raj Kumar and Poli as also the present petitioner have caused injuries to him with bricks. Complainant, then took his brother for treatment to General Hospital, Panipat and who was then referred to P.G.I., Rohtak and whereupon he succumbed to his injuries.

Present petitioner was arrested on 15.4.2018.

Apparently, two disclosure statements of the petitioner have been recorded. In the initial statement on 17.4.2018 a recital of the occurrence involving the deceased as also the present petitioner and other co-accused namely Amit, Kuldeep, Raj Kumar and Poli is there. However, in the second disclosure of 18.4.2018 the petitioner herein has apparently taken upon himself the inflicting of brick blows upon the deceased.

Even though, as per version of the complainant his brother Bhopal had disclosed to him in the nature of a dying declaration that brick blows had been inflicted by not only the present petitioner herein but also by Amit, Kuldeep, Raj Kumar and Poli, yet, the prosecution has found the other persons afore-noticed to be innocent.

It has gone uncontroverted that an application filed under Section 319 Cr.P.C to summon Amit, Kuldeep, Raj Kumar and Poli to face trial as co-accused has been dismissed by the Trial Court.

The evidentiary value of the disclosure statement made by the petitioner dated 18.4.2018 would be an aspect to be dealt with by the Trial Court.

Learned State counsel has apprised the Court that out of the 18 prosecution witnesses cited 7 have been examined till date. The examination-in-chief of complainant Netar Pal i.e. brother of the deceased

has already been recorded.

Trial now is not making much head way on account of the COVID-19 situation.

Petitioner has already suffered incarceration over a period of 30 months approximately.

In an overview of the matter and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate concerned.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

18.8.2020

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