

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

207

**CRM-M-24265-2020(O&M)
Date of Order:03.09.2020**

SHRI BHAGWAN

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vinod Bhardwaj, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.025, dated 04.03.2017, registered under Section 148/149/323/342/365/302307 IPC, at Police Station Sadar Kaithal, District Kaithal.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Kaithal, in paragraph 3 of the order dated 02.05.2018, which is extracted as under:-

“The brief facts of the prosecution case are that complainant Mohit made a complaint that he was the student of 9th standard in Akhil Bhartiya School, Kaithal. On 03.03.2017, there was a marriage ceremony of elder brother of Raju who was the friend of complainant and one Pardeep. He and Pardeep had gone to attend the marriage. The complainant along with his friend was taking the meal. Pardeep asked the complainant to drop his friend at village Padla. At about 11.00 p.m. The

*complainant along with Pardeep and his friend went to village Padla on a motorcycle. They left him in the village Padla and thereafter the complainant and Pardeep were passing through the street of the village. Pardeep called a girl. They were having conversation with her in the street. In the meantime, that girl asked him to leave the place apprehending the arrival of her uncle Mani Ram. Suddenly Mani Ram came there. He also called Binder, **Shri Bhagwan**, Tini, Sanjeev and Roshan at the spot. All the persons came there armed with lathis and dandas. Thereafter, they took the complainant and Pardeep to their house. They tied them with the rope and gave merciless beatings to them. Pardeep succumbed to his injuries at the spot. In the morning father of complainant along with 6-7 other persons came at the spot who untied the complainant. On the basis of these allegations, present case was got registered. The investigation was conducted and the present applicant-accused was arrested.”*

Learned counsel for the petitioner contends that all the other co-accused have already been granted concession of bail. He further submits that the role of the petitioner is the same as that of Sanjeev, the petitioner in CRM-M-1990-2020, decided on 07.08.2020.

On the other hand, learned counsel for the State has pointed out that all the prosecution witnesses have been examined. However, he admits that two revision petitions are pending in this Court.

The petitioner is in custody since 04.03.2017. Thus, the petitioner has suffered incarceration for a period of 3 years and 5 months.

Due to spread of the Novel corona virus and restricted functioning of the courts on account thereof, conclusion of the trial is likely

to take time.

As per the information supplied by learned counsel for the State, the petitioner does not have any criminal antecedents.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 04.03.2017 and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, the present petition is allowed with the aforesaid directions.

September 03, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No