

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27255-2020

DATE OF DECISION: SEPTEMBER 17, 2020

RAHUL @ RAKA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: DR. NARESH KAUSHIK, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Rahul @ Raka has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.165 dated 20.4.2018 under Section 302, 379-B, 34 IPC, Police Station Kundli, District Sonipat. The petitioner is in custody since his arrest on 20.4.2018.

As per the prosecution case, complainant Fahim Akhtar submitted a complaint to the police stating therein that he had four sisters and the younger one, namely, Sahiba Khatun was married to Tarik Ahmad around two years ago and they were residing as tenants at Assal Sunshine County, T-D3, Flat No.204. It was further stated that Tarik Ahmad was working as House Keeping Manager in a health centre, namely, Naad Wellness in Village Badkhalsa. On 20.04.2018 at 2.00 p.m., HR Officer of the company, namely, Ali telephonically informed Atikur Rehman that his son Tarik Ahmad was serious and admitted in the hospital. On receipt of this information, the complainant reached there and came to know that Tarik

Ahmad had died. The staff of Naad Wellness Hospital told that Tarik Ahmad was killed by unknown assailants by causing injuries in the fields near Sunshine County. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the case of the prosecution is based upon circumstantial evidence. It is pointed out that the co-accused of the petitioner has been granted the concession of regular bail by this Court vide order dated 16.7.2020. He further submits that the prosecution has already examined 10 witness including the complaint. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, the prayer is opposed by learned counsel for the State assisted by SI Devinder on the ground that the petitioner was involved in the crime. However, it is not disputed that the co-accused of the petitioner has been released on regular bail.

Considering the fact that the co-accused of the petitioner has already been released on regular bail and that the trial of the case is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds

to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

September 17, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No