

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

215-A

CRM-M-27427-2020

Date of decision: 27.11.2020

Rakesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. A.P.S. Deol, Sr. Advocate with
Mr. Himmat Singh Deol, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana
for the respondent-State.

Dr. Anand Bishnoi, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.260 dated 21.10.2019 registered at Police Station Bawal, District Rewari under Sections 147, 323 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") to which Sections 148, 325 and 302 of the IPC were added lateron.

The above said FIR was registered on statement of complainant Dinesh. In his statement, Dinesh alleged that on

21.10.2019 at about 06:30 P.M., Rakesh (the petitioner), Krishan, Praveen, Navin, Bajrang, Rampal, Babloo, Hanuman Singh and Jai Singh along with 5-7 other persons armed with lathies, iron rods, farsha came near to their house and started hurling abuses on them. On hearing the noise, he and his father Rohtas Singh went out of their house. Rakesh, Krishan, Naresh, Praveen and Navin attacked them and gave blows to them. His father Rohtas Singh fell down due to the injuries. On hearing their cries, Ajay, Shamsheer, Suresh and Asha Devi came out and the above said accused also attacked and caused injuries to them. When the other villagers and neighbours gathered there, the accused fled away from the spot while threatening to kill them later. The villagers took his father Rohtas Singh, Shamsheer, Ajay and Suresh to the hospital, where his father Rohtas Singh succumbed to his injuries. On investigation pursuant to registration of FIR the police charge-sheeted the petitioner besides others.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel and learned Counsel for the complainant. However, no reply has been filed by the respondent-State or the complainant.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner and his 6 family members along with their collaterals have been falsely implicated by complainant Dinesh in the case. In the FIR

lodged by complainant Dinesh, no specific role of causing any injury to the deceased is attributed to the petitioner. In his supplementary statement, complainant Dinesh alleged that the petitioner had given blow on his head but complainant Dinesh did not get himself medico-legally examined. Similarly placed co-accused Rampal and Hanuman and Navin have been granted bail by this Court vide orders dated 22.06.2020 and 04.09.2020 passed in CRM-M-10349-2020 and CRM-M-21792-2020 respectively. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel and learned Counsel for the complainant have submitted that the petitioner being member of unlawful assembly actively participated in committing murder of Rohtas Singh and causing injuries to others. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and role attributed to the petitioner who is not alleged by complainant Dinesh to have caused any injury to the deceased, period of his custody, parity with co-accused Rampal and Hanuman and Navin who have been granted bail by this Court vide orders dated 22.06.2020 and 04.09.2020 respectively and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the

petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.11.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No