

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

CRM-M-28175-2020 (O&M)

Date of Decision: 28.09.2020

Rahul

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Amarinder Kaur, Advocate
for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Raman Chawla, Advocate
for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.81 dated 12.05.2017 registered under Sections 147/148/149/302/323/379-B/325/212/120-B IPC, 1860 at Police Station Siwani, District Bhiwani. The petitioner is in custody since his arrest on 11.04.2020.

The FIR was recorded on the statement of complainant, namely, Gulbir wherein it was alleged that on 11.05.2017, the complainant was present in the hotel of his brother, namely, Satbir and his partner-Mangal Singh was also present. After meals they had gone for sleep. According to the complainant, Satbir and Mangal Singh were sitting inside the hotel, whereas Satpal and complainant went for sleep on the roof of the hotel. Around 02.00 a.m., a noise was heard and it was found that Vikas and Vikram (both sons of Satbir), Satbir s/o Om Parkash, having dandas and iron pipe along with other 10-12 boys were standing. It was narrated that they were causing inju-

ries to the brother of the complainant. According to the complainant, Vikram

had caused injuries with iron pipes on the head of Satbir and Vikas caused injuries with a danda. After this, when the noise was raised, all the assailants ran away after snatching the chain, cash, key of Bolero vehicle and mobile.

Learned counsel for the petitioner contends that the case of the petitioner is at par with his co-accused Vishal, who has been released on regular bail vide order dated 28.05.2019. She has further submitted that the petitioner was not named in the FIR and the fatal injury was attributed to the co-accused Vikram, who is in custody. She has further pointed out that the material eye-witnesses, namely, Mangal Singh and Satpal, who have been examined as PW-2 and PW-3 respectively, have not supported the prosecution case and were declared hostile. According to her, the other co-accused are also on regular bail and, therefore, the further custody of the petitioner may not be necessary.

On the other hand, learned State counsel assisted by ASI Jaswant Singh and learned counsel for the complainant, has opposed the prayer on the ground that the petitioner was declared as a proclaimed offender on 03.10.2017 and was arrested only on 11.04.2020. However, it is not disputed that the victim suffered the fatal injury caused by co-accused Vikram.

Considering the above background and custody of the petitioner, this Court does not find any reason to decline the prayer of the petitioner as the trial 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. The petitioner after his arrest on 11.04.2020 is presently confined in judicial custody, therefore, his further

detention behind the bars may not be justified.

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 Bhiwani.

The petition is allowed.

28.09.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	No
Whether reportable	No

