

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27695-2019 (O&M)

Date of Decision: 20.08.2020

Karambir @ Bittu

... Petitioner

VS.

State of Haryana

... Respondent

CRM-M-47281-2019 (O&M)

Date of Decision: 20.08.2020

Vikas Kumar

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Ravinder Malik (Ravi), Advocate,
Mr. Rahul Rathore, Advocate,
for the petitioners

Mr. Rajiv Goel, DAG Haryana

Mr. PS Sullar, Advocate for the complainant

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

This order shall dispose of the above-cited two criminal miscellaneous petitions filed by one Karambir @ Bittu, aged 28 years (**CRM-M-27695-2019**) and another by Vikas Kumar, aged 32 years (**CRM-M-47281-2019**) *inter alia* praying for grant of regular bail to them. Both the petitioners have been allegedly involved in case FIR No.288 dated 28.05.2018 under Sections 148/149/302/506/34/120-B/201 IPC registered at PS Shahabad, Kurukshetra. CRM-M-27695-2019 is being treated as the lead case for the purposes of order.

Learned counsel for the petitioners by making reference to the FIR submits that there are discrepancies in the allegations. He then makes reference to the statement, especially the cross-examination of the witness namely, Pawan Kumar dated 13.03.2020 (shared through whatsapp). It is then submitted that the petitioners were arrested on 29.05.2018. They have completed more than two years of custody. Learned counsel further submits that due to COVID situation, the trial is likely to be delayed as is evident from the fact that the next date of hearing fixed before the trial Court is 24.02.2021.

Learned State counsel, on instructions from ASI Arun Kumar submits that the charges were framed on 20.09.2018. The FIR is dated 28.05.2018. He submits that there are a total of 22 witnesses and only 3 have been examined till date.

Learned counsel for the complainant submits that it is a case where the intention is evident because in the FIR itself, it has been recorded that at about one month back nephew of Pawan Kumar namely, Gurmeet Kumar had an altercation with Bittu s/o Raj Kumar. The matter was settled in the Panchayat and at that time Bittu and his father Raj Kumar and Mitter s/o Jagdish had said that though today the matter has been settled in Panchayat but as and when they get a chance they will get Gurmeet Singh and his uncle eliminated. He further submits that there are serious allegations against the petitioners and therefore they do not deserve grant of concession of regular bail.

Faced with this situation, learned counsel for the petitioners submits that the petitioners have, by now, undergone custody of two years and approximately 3 months. By the next date of hearing before the trial Court i.e. 24.02.2021, they would nearly complete custody of 3 years. The trial is at the stage where only 3 witnesses out of 22 have been examined.

Counsel for the petitioners then submits that due to COVID situation retention of the petitioners in jail is dangerous to their life and otherwise also the trial is likely to take some time.

In view of the above, this Court deems it appropriate to release the petitioners on regular bail subject to their furnishing adequate heavy bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

The prosecution is free to apply for cancellation of bail in case any of the circumstances so warrant.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

20.08.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No