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

CRM-M-19631-2021

Date of Decision: 29.06.2021

Ravi @ Tatheri**.. Petitioner****Vs.****State of Haryana****..Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Gaurav Sethi, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

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Manoj Bajaj, J. (Oral)

Petitioner has filed second petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.532 dated 29.09.2019 registered under Sections 302/452/34 IPC at Police Station Ambala Cantt, District Ambala. The petitioner is in custody since his arrest on 01.10.2019.

The FIR was registered on the basis of statement made by complainant Arun Kumar and the allegations noticed by the Addl. Sessions Judge, Ambala in the order dated 10.03.2021, while declining the bail application of petitioner, read as under:

“The FIR was registered on the basis of the statement made by complainant Arun Kumar. It was stated by the complainant that his father Ram Murti used to do the work of iron buckets, ‘angeethi’ and cooler bodies etc. at Googa Mari Chowk, Ram Bagh Road, Ambala Cantt. On 29.9.2019 his father and his brother Tarun went to the shop at 10:00 AM. At about 2:00 PM his brother Tarun Kumar left for home to take meals. He himself was present in his chemist shop situated at Googa Mari Chowk. At 3:30 PM he came to know that his father was being beaten by two boys and a lady. He went to the shop of his father and saw that Arun son of Nathu Ram, his friend and his mother Rani were beating his father. Arun hit his father with an iron ‘angeethi’. He tried to rescue his father, whereupon accused Rani caught hold of his father from his

hair and gave him slaps and fist blows on his mouth. Accused Arun and his friend also beat his father. He raised a noise, whereupon number of persons gathered at the spot. On seeing them, the accused fled away from the spot leaving his father in an unconscious condition. He took his father to Civil Hospital, Ambala Cantt. where he was declared brought dead. The complainant thus prayed for taking action against the accused persons.”

Learned counsel for the petitioner has argued that the case of the prosecution hinges upon the statement of eye-witness Arun Kumar, but the name of the petitioner is not mentioned in the FIR. It is pointed out that as per prosecution, the petitioner and his co-accused Rani allegedly gave slaps and fists blows to victim, namely, Ram Murti and vide order dated 07.10.2020 (Annexure P-7), concession of regular bail has been extended to Rani. He submits that the case of the petitioner is also similar to co-accused Rani, therefore, he also deserves the concession of regular bail.

On the other hand, learned State counsel assisted by SI Krishan Kumar, has opposed the prayer on the ground that the petitioner was involved in commission of crime, however, it is not disputed by him that the role attributed to him is at par with the co-accused Rani. He, on instructions further states that the prosecution has examined six witnesses, including the complainant Arun Kumar, however, according to him, nine prosecution witnesses still remain to be examined.

After hearing the learned counsel for the parties, considering the custody of the petitioner and the fact that nine prosecution witnesses still remain to be examined, therefore the trial is likely to consume considerable time to conclude. Admittedly, the petitioner is presently confined in judicial custody since 01.10.2019, therefore, his further detention may not be necessary 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.

29.06.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No