

216+117.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23604-2020 (O&M)

Date of decision:17.02.2021.

PARVEEN KUMAR

... Petitioner

Versus

STATE OF HARYANA

.... Respondent

II.

CRM-M-54177-2019

OM PATI

... Petitioner

Versus

STATE OF HARYANA

.... Respondent

III.

CRM-M-2330-2019

RAJ KUMAR AND ORS.

... Petitioners

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Parminder Singh, Advocate,
for the petitioner(s).

Mr. Parveen Aggarwal, DAG, Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video
conferencing due to outbreak of COVID-19.

CRM-2658-2021 IN CRM-M-23604-2020

Prayer in this application filed under Section 482 Cr.P.C. is to

place on record the testimony of Ved Pal and the order granting bail to co-

accused as Annexures P-4 and P-5.

For the reasons stated in the application, same is allowed and the documents Annexures P-4 and P-5 are taken on record.

CRMs-M-23604-2020, 54177 & 2330-2019

This order shall dispose of three petitions i.e. ***CRM-M-23604-2020*** titled as ***Parveen Kumar Versus State of Haryana***, ***CRM-M-54177-2019*** titled as ***Om Pati Versus State of Haryana*** and ***CRM-M-2330-2019*** titled as ***Raj Kumar and others Versus State of Haryana***.

Prayer in these petitions filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner(s) in case FIR No.501 dated 01.09.2017 registered under Sections 148, 149, 202, 285, 323, 324, 302, 307, 506, 120-B of IPC and Section 25/27 of Arms Act, 1959, at Police Station Gharaunda, District Karnal.

Counsel for the petitioner(s) submits that since there are allegations against Raj Kumar, petitioner No.1 in CRM-M-2330-2019, he be permitted to withdraw the present petition qua him.

Accordingly, CRM-M-2330-2019 stands dismissed as withdrawn qua petitioner No.1-Raj Kumar.

Counsel for the petitioners has argued that the deceased in the case is Om Parkash. The petitioners-Vijay and Om Pati are in custody since 02.09.2017 whereas petitioners-Shimla and Parveen Kumar are in custody since 03.09.2017. As against 43 witnesses, only 24 witnesses have been examined. The allegation against Om Pati is that she gave sickle blow on the right hand finger of the complainant-Rani wife of Om Parkash. The accused Parveen has fired a gun shot in the air from his countrymade pistol.

Similarly, Vijay has been attributed lathi blow to the injured. No injury has been attributed to Shimla except that she was armed with sickle. Considering the long custody of the petitioners and there being no allegation against them for causing such injury which caused death to Om Parkash, they deserve to be admitted on bail.

Learned State counsel has not disputed the custody and the role so attributed to the petitioners.

I have heard learned counsel for the parties.

Considering the fact that the petitioners-Vijay, Om Pati and Shimla, Parveen Kumar are in custody since 02.09.2017 and 03.09.2017 respectively and trial in the case is not likely to be concluded in the near future, moreover, Covid-19 pandemic has further adversely affected the trial, this Court deems it appropriate to admit the petitioners on bail.

Accordingly, the present petitions are allowed and the petitioners are admitted on regular bail subject to their furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

17.02.2021
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.