

CRM-M-29333-2021

Date of decision: 08.11.2021

DEEPAK @ BHOLU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Swarn Tiwana, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana. .

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated through email today and the same is taken on record.

Deepak @ Bholu-petitioner is seeking regular bail in the case bearing FIR No. 130 dated 03.03.2018 under Sections 279/302/307/336 of IPC, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

Briefly, the allegations against the petitioner are to the effect that on 03.03.2018, the petitioner had committed murder of Joginder by crushing him under a Trola being driven by him. Furthermore, he also made an attempt to run over the Trola upon the bike on which Ravi and Vicky were riding.

It has been contended by the learned counsel for the petitioner that the deceased was crushed under the rear wheel of the Trola, there are no injuries on the person of Ravi and Vicky, the petitioner is in custody for the last 03 years 08 months and 02 days and no other case has been registered against him.

On instructions from ASI Hari Om, learned State counsel has not

the death of Joginder has occurred as an intentional act on the part of the petitioner and furthermore, he had also made an attempt to commit murder of Ravi and Vicky by hitting the Trola with the motorcycle on which they were travelling.

It is significant to note that the deceased was crushed under the rear wheel of the Trola, there is no MLR pertaining to the injuries, if any, on the person of Ravi and Vicky and it will remain debatable as to whether the case falls under the penal provisions of Section 302 IPC or not. The petitioner is in custody for the last 03 years 08 months and 02 days, 07 witnesses still remain to be examined and conclusion of the trial is likely to take sometime. As such, no fruitful purpose will be served by detaining the petitioner in further custody.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

08.11.2021
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(VIVEK PURI)
JUDGE

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