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

(Through Video-conferencing)

**CRM-M No.29906 of 2021
Date of Decision:12.10.2021**

MONU

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Rajat Mor, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No..466 dated 28.09.2020, registered under Sections 148, 149, 323 and 506 of IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 302 of IPC (added later on), at Police Station Tosham, District Bhiwani.

Learned counsel for the petitioner submits that petitioner is not the brother of Sonu and this fact has been inadvertently mentioned in the order dated 03.08.2021. In fact complainant Sonu is brother of deceased Monu. There are two

persons by the name of Sonu and two persons by the name of Monu, who are involved in the present case. As per allegations, Sonu son of Rajpal, Dalbir @ Dulla, Manjit, Vikas, Mohliya, petitioner and 5-6 other persons armed with lathis and dandas fitted with nails opened attack upon the complainant and his brother Monu. They inflicted injuries to Monu on both hands, feet, head, shoulder and chest. As per allegations in the FIR, the complainant fled away from the spot. Aunt of the complainant came to the spot and she was also given beatings. As per MLR of the deceased Monu, 4 injuries were found on his person. All the four injuries were on non-vital parts of the body. Injuries were on the fore-arm, ankle and right leg. In the postmortem report 10 injuries were shown on the person of deceased Monu. All the injuries were shown to be simple in nature and these injuries existed on fore-arm, shoulder, back, right hand, left arm, right leg, right ankle and thighs of the deceased Monu. There was no head injury on the person of deceased Monu. No weapon has been recovered from the petitioner.

Learned counsel for the petitioner further submits that petitioner has clean antecedents as he is not involved in any other case. The alleged injuries attributed to the petitioner are non-specific in nature. The occurrence took place on

26.09.2020, however, the FIR came to be registered only on 28.09.2020 despite the fact that the then injured was medico-legally examined on 26.09.2020. At that time, the then injured Monu was conscious and well-oriented, but he died on 01.10.2020.

As per status report filed by the State the factual position of the case has not been disputed, however, learned State counsel opposed the bail on the ground that the cause of death of Monu is the cumulative effect of injuries received by him in the occurrence. During investigation Section 3(2)(VA) of SC/ST Act was deleted and Section 3(2)(V) was added. Petitioner was arrested on 06.11.2020. Nothing has been recovered from the petitioner.

On the basis of aforesaid accusation, the complicity of the petitioner would remain debatable. Charges have been framed on 06.07.2021, but no PW has been examined so far. The trial of the case may take some time in its culmination.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail without recording anything on the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing

adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

12.10.2021	(RAJ MOHAN SINGH)
<i>Amandeep</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No