

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-37235 of 2020 (O&M)

Date of decision : 14.1.2021

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Nonu

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Karan Sachdeva, Advocate
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General,
Haryana.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This second petition for grant of regular bail, has been filed by petitioner - Nonu, aged about 19 years, son of Krishan r/o Sham Nagar, Karnal (Rural), Part 1 Karnal, an accused in FIR No.276 dated 24.3.2019 for the offences under Sections 148, 149, 307, 323, 452, 502 (Sections 212, 506, 302, 324 IPC and 25 of Arms Act, 1959 were added later on), challan filed under Sections 148, 149, 212, 307, 323, 452, 506, 302, 324 IPC and 25 of Arms Act, 1959, registered with Police Station City, Karnal, District Karnal.

The first petition filed by the petitioner and his co-accused bearing CRM-M-35622-2019 had been withdrawn on 13.3.2020, copy of the order being Annexure P-2.

In nutshell, the prosecution story is that on 21.3.2019 at about 5:30 p.m., Ramu @ Kallu, present petitioner, along with Sunil, Nonu and Shubham trespassed in the house of complainant Sudesh Kumari situated at village Madanpur Gamri, District Karnal and Shubham armed with a knife caused blow therewith to Vicky husband of the complainant in his abdomen with an intention to kill him. On an alarm being raised, the assailants ran away along with their weapons. The injured was shifted to Government Hospital, Karnal from where he was referred to PGI, Chandigarh. He was treated there and ultimately he succumbed to the injury on 29.3.2019. Formal FIR had been registered regarding the incident. During the course of the investigation, petitioner accused was arrested on 29.3.2019. After completion of investigation, the challan has been filed and the trial is going on. The petitioner had approached the Court of Sessions at Karnal seeking regular bail by moving an application but was unsuccessful inasmuch as the application was dismissed by learned Additional Sessions Judge, Karnal on 9.8.2019. Thereafter, the petitioner had earlier filed a petition before this Court referred supra, which was however withdrawn.

Now the petitioner has again approached this Court by way of filing the present petition craving for the similar relief for the reason that the trial has been held up on account of outbreak of

Covid-19, therefore he be granted concession of regular bail. The request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

No injury in this case has been attributed to the present petitioner. The allegations against him are that he had scaled the boundary wall of house of deceased and opened gate thereof. The fatal injury to deceased is attributed to co-accused Shubham, who according to the prosecution story was armed with a knife at that time. Co-accused of the petitioner, namely, Ramu @ Kallu, who was almost similarly placed, has been granted concession of regular bail by this Court, as is evident from copy of order dated 15.10.2020 passed in CRM-M-23664-2020, placed on record as Annexure P-3. The petitioner is stated to be in custody since 2.4.2019 i.e. for more than 1 year 8 months. The conclusion of the trial is likely to take considerable time.

As such, in view of the totality of facts and circumstances, I find it a fit case to grant concession of regular bail to the petitioner. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the the trial Court/CJM/Duty Magistrate, Karnal, subject to the following conditions:-

(i) he shall appear in the Court on each and every date of hearing;

(ii) he shall not give any threat or intimidation to the

prosecution witnesses; and

(iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

14.1.2021.
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(H.S. Madaan)
Judge

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