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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-19254-2022 in/and
CRM-M-1249-2022 (O&M)
Date of Decision:30.05.2022

NAHIM ALIAS PINTU ALIAS MITTHA

.. Applicant/Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kamal Chaudhary, Advocate for applicant-petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

CRM-19254-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-1249-2022 (O&M)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.174 dated 17.05.2021 registered under Sections 302, 379-B and 34 IPC, 1860 (Sections 302, 379-B and 34 IPC were deleted and Sections 304, 404, 114, 188, 328, 109 and 120-B IPC and

Faridabad. The petitioner is in custody since his arrest on 19.05.2021.

The allegations as noticed by the ld. Special Judge, Sessions Court, Faridabad in the order dated 22.09.2021 are as under:

“In nutshell, the prosecution case is that 16.05.2021 information was received from B.K. Hospital, Faridabad that Kavish Khanna, aged 25 years, brought dead. SI along with other police officials reached at B.K. Hospital, Faridabad where complainant Pawan Khanna, father of deceased, met and moved an application to the effect that he has two sons namely Kavish and Vibhor. His elder son Kavish Khanna is pursuing MBA from UPES University, Dehradaun. He returned at Faridabad at about 10.00 AM after completing final year exam. At about 3.30 PM Kavish Khanna went out on his scooty No.HR-51BA-2759. At about 7.30 PM his younger son Vibhor Khanna received call from the mobile of his elder son Kavish Khanna, who told his name as Pintu @ Meetha that they are in B.K.Hospital and doctors of B.K. Hospital are not admitting Kavish and asked him to come soon at B.K. Hospital. They reached at B.K.Hospital, Faridabad, where they found Kavish in dead condition whereas informer Pintu @ Meetha (applicant) was not present in the hospital. Mobile phone of Kavish along with cash amount of Rs.4,000/5,000 and his documents were taken away by Pintu @ Meetha (applicant) along with his companion. He saw that upper of his body was unclothed and blood was coming from his mouth and all the nails of his left foot were rubbed and uprooted. He stated that Pintu @ Meetha and his companion murdered his son and prayed that strict legal action be taken against Pintu and his companion. On the basis of his complaint subject FIR was registered. Applicant/accused was arrested on 19.05.2021 and since then he is in custody.”

Learned counsel has argued that as per prosecution victim Kavish Khanna allegedly consumed drugs along with the petitioner and other co-accused and died because of overdose. He submits that though initially the FIR was registered for the offence punishable under Sections 302 IPC, but subsequently, the said offence was deleted and the offence punishable under Section 304 IPC was added. According to him, the other co-accused of the petitioner have already been released on bail, including co-accused Vishal, who had administered the drugs to the victim. He prays for bail.

the prayer has argued that the petitioner asked his accomplice to inject the dose measuring 5 mm, whereas he himself had received an injection of 1.5 ml. However, according to him, the investigation of the case is complete and charges have been framed on 23.02.2022, but no prosecution witness has been examined so far.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as no prosecution witness has been examined so far, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest.

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.

30.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No