

UPON hearing the counsel the Court made the following

O R D E R

1. Heard Ms. Herinder Kaur Brar, learned counsel appearing for the petitioner and Mr. Puneet Parihar, learned counsel appearing for the respondent-State.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 26.11.2024.

3. On complaint of one Uday Singh, that there has been an assault upon his brother Khyali Ram, an FIR No.304/2024 dated 20.11.2024 was registered at P.S. Sarund, District-Kotputli, Behror, for the offence punishable under Sections 115(2), 126(2), 352, 351(3), 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS, 2023") and Sections 3(1) (r), 3(1)(s), 3(2)(v), and 3(2)(va) of The Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act, 1989. After investigation, the police filed charge sheet against both Uday Singh and the petitioner herein.

4. According to the prosecution, on 17/11/2024 around 7:00 PM, the petitioner with his acquaintance Pankaj went on a motorcycle to buy cigarettes. The petitioner found his elder brother, Khayali Ram, sitting there, drunk, and asked him to go away. When Khayali Ram did not go, the petitioner slapped Khayali Ram two to three times, at which, Khayali Ram walked away from there towards Toll Plaza. Thereafter, when Pankaj was driving the motorcycle and Rohitash was sitting behind him, both came near the water box, the petitioner saw Khayali Ram hiding behind Kotdi. Rohitash started to beat up Khyali Ram and placed him on the motorcycle and drove him home. When the motorcycle was veering towards one side, Khyali Ram fell down. According to the charge-

sheet in a fit of, rage, Rohitash had assaulted Khyali Ram. While undergoing treatment, on 19/11/2024, Khyali Ram died. The petitioner has been in custody since 26/11/2024.

5. 11 witnesses have been examined and 22 more witnesses have to be examined. The Trial Court is bound to take considerable amount of time. Considering the overall facts and circumstances, we are inclined to enlarge the petitioner on bail, subject to the satisfaction of the Additional District & Sessions Judge, I, Kotputali, District Kotputali-Behror.

6. The Special Leave Petition is disposed of in the above terms.

7. Pending application(s), if any, shall stand disposed of.

(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(NIKITA SINGH)
COURT MASTER (NSH)