

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

202

CRM-M-1497-2020

Date of decision: 31.08.2020

Anit**.....Petitioner****versus****State of Haryana****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. R.K. Lathwal, Advocate for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Anit, stated to be aged 29 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.469 dated 18.08.2018, registered under Sections 148, 149, 302, 323 of Indian Penal Code (Sections 325 & 34 IPC added later on), at Police Station Sadar, District Sonapat (Haryana).

This order shall be read in continuation of the order dated 29.05.2020, passed by this Court.

Today, on the resumed hearing, learned State counsel submits that on 13.07.2020 and 26.08.2020, the case was adjourned by the trial Court and now the case is fixed for 14.10.2020. On instructions from ASI Manish Kumar, learned State counsel further submits that there are total 30 witnesses and out of them, two witnesses are still remained to be examined.

Faced with the situation, learned counsel for the petitioner firstly submits that the petitioner has already completed two years of custody; secondly, he submits that the complainant party and the petitioner are neighbours and they have actually settled the matter because it was a case of version and cross-version and thirdly he further submits that Parveen-complainant, Karambir, Parvinder and Dharmender have turned hostile, therefore, the petitioner has a good prima facie case.

By making reference to the status report filed by way of an affidavit dated 21.07.2020, of Virender Singh, HPS, Deputy Superintendent of Police, Head Quarter, Sonipat, learned State counsel submits that in Para 4 of the affidavit, it has also been recorded that on 17.10.2018, opinion with regard to the nature of injuries suffered by injured-Karrambir, was obtained and on finding the injuries to be grievous in nature, Section 325 IPC was invoked in this case. It is submitted that a perusal of the FIR would show that there were allegations of inflicting injuries at Karambir and his wife-Suman.

Faced with the situation, learned counsel for the petitioner submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits

of the case.

In addition to the above bail/surety bonds, the petitioner is directed to deposit Rs.1,00,000/- (one lac) with the complainant towards interim medical expenses suffered by Karambir and his wife, within one month from the date of his release. In the meantime, the complainant may inform the trial Court as to if the said amount has been paid to him or not. The said amount shall be without prejudice to defence of the petitioner before the trial Court.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

31.08.2020

anju rani

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No