

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

**CRM-M No.2224 of 2020 (O&M)
Decided on: 02.07.2020**

Devender Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Keshav Pratap Singh, Advocate
for the petitioner (through video conferencing)

Mr. Ramesh K. Ambavta, AAG, Haryana.
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

CRM No.14583 of 2020

Prayer in this application is for preponing the date fixed in
the main petition.

Heard.

For the reasons stated in the application, the same is
allowed and the main case, which is fixed for 10.07.2020, is taken up
today for hearing.

CRM-M No.2224 of 2020

Prayer in this petition is for grant of regular bail to the
petitioner under Section 439 of the Code of Criminal Procedure (in
short 'Cr.P.C.') in FIR No.309 dated 30.04.2019, for offence punishable
under Sections 323, 324, 307, 120-B, 506, 34 of the Indian Penal Code,
1860 (in short 'IPC') and 25 of the Arms Act, registered at Police
Station Assandh, District Karnal.

Counsel for the petitioner has argued that the petitioner is

in custody since 30.04.2019 and the wife of the petitioner/co-accused Rachna, has already been granted the concession of regular bail by this Court vide order dated 19.09.2019 passed in CRM-M No.39306 of 2020. Counsel for the petitioner has further argued that, in fact, there are two versions given in the FIR and in the statement of the victim as some improvements were made while recording the statement of the victim. It is further submitted that the injured/victim has already been discharged from the hospital and without prejudice to the right of defence, the petitioner is ready to hand over the amount of Rs.1,00,000/- by way of demand draft favouring the injured/victim – Satish Kumar, as a good gesture as he was the real uncle of the petitioner and there was a dispute regarding partition of the land.

Counsel for the petitioner has also submitted that out of 23 prosecution witnesses, none has been examined on account of the current existing situation.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is further submitted that as per the MLR, the injury attributed to the petitioner has invoked Section 307 IPC as it was opined to be dangerous to life.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner has already been granted the concession of regular bail by this Court; he is in custody since 30.04.2019; the custodial interrogation of the petitioner is not required; the conclusion of the trial will take some time and also in view of the fact that that the petitioner is ready to pay an amount of Rs.1,00,000/- by way of a

demand draft favouring the injured/victim – Satish Kumar, without prejudice to his right of defence, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it is made clear that in case the petitioner is found involved threatening any of the prosecution witnesses or tried to influence them, in any manner then, it will be open for the prosecution to apply for cancellation of bail of the petitioner.

02.07.2020
yakub

(ARVIND SINGH SANGWAN)
JUDGE

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