

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

(203)

CRM-M-2989-2020

Date of decision: 04.11.2020

Parmod Kumar and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Nonish Kumar, Advocate
for the petitioner No.1.

Mr. Kapil Aggarwal, Advocate
for the petitioner No.2.

Mr. Rajiv Sidhu, DAG, Haryana.

...

SUVIR SEHGAL, J. (Oral)

Petitioners have filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 401 dated 17.09.2019 under Sections 307, 323, 324/34 IPC, registered at Police Station Butana, District Karnal.

As per version of the prosecution, FIR was recorded on the statement of Amit Kumar S/o Gyanchand, wherein he has stated that when his uncle Narinder Singh was going to Nilokheri on his motorcycle, four boys, who were travelling in Maruti Car, hit the motorcycle from behind and his uncle fell in the gorge with the motorcycle. All the four boys, who were armed with Gandasi, stick and “Binda”, gave injuries to his uncle on arms and legs and then ran away from the spot. The petitioners were arrested on

Counsel representing the petitioners have argued that the petitioners have not been named in the FIR and no specific injury has been attributed to them. It has been urged that the FIR has been lodged by a person, who was not an eye-witness to the incident. By referring to the MLR, counsel have argued that the injured is alleged to have received eight injuries, all of which are on the non-vital parts of the body. He submits that the challan already stands filed, charges have been framed and no prosecution witness has been examined. As per his instructions, the trial is now fixed for prosecution witnesses on 28.01.2021 but due to the spread of corona virus, the trial is not progressing.

It has further been submitted that the petitioner No.2 has unblemished antecedents. However, in so far as petitioner No.1 is concerned, he was involved in FIR No. 415 of 2014 but he was later acquitted on 08.10.2015.

Per contra, learned counsel for State has opposed the position, upon instructions from SI Shree Bhagwan. He has submitted that out of eight injuries inflicted upon the petitioners, four have been declared grievous in nature. Still further, he has referred to the status report dated 30.10.2020, to submit that as a result of injuries, the injured suffered multiple fractures. One injury has been inflicted on the spine and due to excessive loss of blood, injuries have been described as dangerous to life. As per his instructions, the challan was filed on 28.12.2019, charge was framed on 20.02.2020 and no prosecution witness has been examined.

Keeping in view the fact that the trial is likely to some time to conclude, the period of incarceration and the antecedents of the petitioners, the petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is clarified that any observation made herein above shall not be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

04.11.2020
Pardeep

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