

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3205-2020

Date of decision: - 08.06.2020

Vikas

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sandeep Goyal, Advocate, for the petitioner.

Ms. Tanisha Peshawaria, Deputy A.G., Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

This petition has been taken for hearing through video conference due to Covid-19 pandemic.

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.478 dated 30.06.2019, under Sections 307, 148, 149, 323, 325, 341 and 506 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Assandh, District Karnal.

Learned counsel for the petitioner argues that the petitioner was not named in the FIR and he has been roped in this case on the basis of the statement made by the co-accused. Learned counsel for the petitioner submits that only a '*danda*' blow has been attributed to the petitioner and therefore, keeping in view the said allegation, Sections 307 and 506 IPC and Section 25 of the Arms Act, are not attributable to the petitioner. Learned counsel for the petitioner further submits that nothing

is to be recovered from the petitioner and he is already behind the bars since 05.07.2019.

Learned State counsel has not been able to rebut the arguments of learned counsel for the petitioner that petitioner was not named in the FIR and only a '*danda*' blow has been attributed to him. Nothing has been placed on record by the learned State counsel to show that anything is to be recovered from the petitioner at this stage and he is already behind the bars for the last about 11 months.

I have heard learned counsel for the parties and have gone through the record.

Keeping in view the facts stated that the petitioner was not named in the FIR and no grievance injury has been attributed to him, except a '*danda*' blow, no useful purpose will be served by keeping him behind the bars especially when the trial is likely to take some time. Further, the petitioner has made out a case for the grant of regular bail keeping in view the facts and circumstances related to him.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)

JUDGE

June 08, 2020

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Whether reasoned/speaking?

Yes

Whether reportable?

No