

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.3609 of 2020

Date of Decision: May 08, 2020

Nikunj Sohal

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Devender Arya, Advocate,
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition for grant of regular bail in case FIR No.262 dated 17.07.2019, under Sections 323, 324, 341, 354, 354-D, 506, 34 IPC and Section 326 IPC (added later on), registered at Police Station, Zirakpur, District SAS Nagar (Mohali). The petitioner is in custody since his arrest on 23.07.2019.

The FIR was registered on the statement of complainant Ravneet Kaur, who alleged that on 17.07.2019, the accused was following her and started teasing her. The complainant slapped him and the boy tried to outrage her modesty. After some time, the boy again came to the girl and intercepted her way. The girl called her relative Simranjit Singh on the spot, who came there along with his friend Neeraj Kumar. In the meantime, the accused had also called his friends at the spot. An altercation took place between the two sides and the accused caused injuries to Simranjit Singh and Neeraj Kumar with sharp edged weapon. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the offence

punishable under Section 326 IPC was added subsequently as earlier the alleged offence against human body fell within the ambit of Sections 323 and 324 IPC. He further submits that the material witnesses, namely, Ravneet Kaur (complainant) and Simranjit Singh (injured) have been examined. It is pointed out that the case before the trial court is fixed for 08.09.2020 and still nine witnesses remain to be examined by prosecution. He prays that the petitioner be released on regular bail.

On the other hand, learned State counsel has opposed the prayer. However, it is not disputed by him that the offence punishable under Section 326 IPC was added subsequently. He further submits that nine witnesses are yet to be examined on behalf of the prosecution.

Considering the above background, custody of the petitioner and the fact that the material witnesses have already been examined, this Court does not find any reason to decline the prayer made by the petitioner, as the trial of the case is likely to consume considerable time to conclude, in view of the restrictions imposed by the State Governments in order to prevent the global pandemic, namely, COVID-19. Therefore, further detention of the accused may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds to the satisfaction of the CJM/Duty Magistrate, SAS Nagar (Mohali). The petition is allowed.

May 08, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No