

**203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-3977-2020
Decided on : 14.10.2020

Salinder Kumar @ Gunia & anr. Petitioners
Versus
State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sunny Singla, Advocate
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioners in case FIR No.461 dated 22.08.2019 under Sections 148, 149, 323, 427, 506, 307, 120-B IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on registered at Police Station Pehowa District Kurukshetra.

Learned counsel for the petitioners inter alia contends that the petitioners have neither been named in the FIR in question nor any specific role attributed to them. He further contends that the name of the petitioners came up for the first time only in the statement of the injured recorded under Section 161 Cr.PC wherein he named them to be a part of unlawful assembly, which attacked him. He further contends that even in the statement of the injured recorded under Section 161 Cr.PC, no injury was attributed to the petitioners and injury attracting the mischief of Section 307 IPC was attributed to co-accused namely Sachin and Jasbir. Learned counsel has, thus, prayed for concession of bail as petitioners are in custody since 25.08.2019 and only charges have been framed till date.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioners on instructions from S.I. Janpal has conceded that the name of the petitioners cropped up for the first time only in the statement of the injured recorded under Section 161 Cr.P.C. and no injury has been attributed to either of the petitioners in the statement of the injured witness.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 25.08.2019, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

14.10.2020

sonia

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No