

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

213

**CRM-M-9075-2020
Date of decision: 22.09.2020**

Mohammad Nafees

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Manish Prabhaker, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.234 dated 25.09.2019 registered under Section 307 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Patran, District Patiala.

The above said FIR was registered on statement of Harpreet Singh who inter alia alleged that he had friendship with Mohammad Nafees (the petitioner) but due to some altercation he stopped talking to him. On 24.09.2019 at about 07:30 P.M. when he was going to the house of his cousin Balwinder Kaur in Nabha Colony at Patran, Mohammad Nafees along with one unidentified person was standing on side of the road with their motorcycle. When he was

crossing them, Mohammad Nafees stopped him and inflicted blow on left side of his cheek with '*kirch*'. When he raised alarm Mohammad Nafees along with his companion fled from the spot.

The petitioner, who is in custody since his arrest on 26.09.2019, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State counsel who has filed custody certificate and medical opinion through e-mail print out of which are taken on record.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. As per the allegations made in the FIR the petitioner had inflicted one injury on cheek of the complainant, which was as per medical opinion given by the Medical Board, found to be simple. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19. No useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that as per MLR the injury with sharp edged weapon was inflicted on neck of the complainant and in view of the nature of accusation and gravity of the offence committed, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, nature of injury

inflicted which was as per medical opinion found to be simple and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19 and also that presence of the petitioner during trial can be secured otherwise also than only by detention in custody which not being punitive will not serve any purpose, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.09.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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