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

CRM-M-10545-2020 (O&M)

Date of decision-26.10.2020

Surmit

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rakesh Nehra, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

CRM-23038-2020

Application is allowed as prayed for.

Annexures P-2 to P-4 are taken on record.

Main case

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.114 dated 21.05.2019 registered under Sections 307, 323, 506 and 34 Indian Penal Code, 1860 at Police Station Sadar Narnaul, District Mahendergarh. The petitioner is in custody since his arrest on 03.08.2019.

The FIR was registered on the statement of Anup son of Beer Singh, wherein it was alleged that he was working as Salesman at Shankar Service Station Petrol Pump, Mahendergarh Road. On 20.05.2019, at about 6.30 p.m., when complainant and Kuldeep Singh were filling the cars with

fuel, one Honda City car bearing No.DL-4CA-275 driven by Sunil Sharma, came there, who was already known to complainant. Pardeep, Lillu Pehalwan and one another unknown person were also sitting in the car. After fuelling the car, when complainant asked for money, then all of them abused and fought with complainant and ran away. Complainant telephonically informed the incident to Surender (son of owner) and thereafter, complainant alongwith Surender and Kuldeep chased Honda city car, who were stopped at village Khaspur. All four persons alighted from the car and gave beatings to Surender. Lillu Pehalwan gave base ball bat blow on the head of Surender, and all the assailants ran away from the spot in their car. Complainant and Kuldeep arranged vehicle and brought Surender (injured) to the hospital. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and as per the allegations itself, complainant, Anup alongwith owner of the petrol pump chased the accused persons and stopped them. According to him, there was already a dispute between co-accused Sunil and the injured as a sum of Rs.8,50,000/- was owed by Surender towards the said co-accused. He has further invited the attention of the Court to the disclosure statement (Annexure P-4) made by co-accused-Sunil whereupon the petitioner has been arraigned as an accused. He has argued that the version of the complainant that after fuelling the vehicle instead of making the payment, accused ran away from the petrol pump is not worth acceptance in the light of the disclosure statement as Surender was to make the payment to the accused Sunil. Learned counsel has further submitted that though the investigation of the case is complete and charges were framed on 23.11.2019, but till date no prosecution witness has been examined so far.

trial.

On the other hand, learned State counsel assisted by ASI Sarika has opposed the prayer on the ground that the petitioner alongwith his co-accused participated in the crime and caused injuries upon the injured. Learned State counsel submits that the head injury suffered by the victim is attributed to the petitioner which has invited the offence punishable under Section 307 IPC. However, it is not disputed by him that after framing of charges, no prosecution witness has been examined so far.

At this stage, Mr. Nehra, learned counsel for the petitioner has contended that as per the disclosure statement of Sunil, the attack was opened by complainant party and during that occurrence, the weapon was allegedly snatched by the petitioner and caused the injuries to the victim. According to him, it would be debatable if the accused were aggressor in the alleged occurrence or acted in exercise of their right to private defence. He submits that in this background, further custody of the petitioner may not be necessary.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the charges were also framed on 23.11.2019. It is apparent that the trial is progressing at a slow pace. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 03.08.2019 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

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/surety bonds to the satisfaction

of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

26.10.2020

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No