

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

Criminal Misc.M-10902-2020

Date of Decision: September 07, 2020

Mangu @ Manjeet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Narinder Singh Dhillon, Advocate,
for the petitioner.

Mr. Kanwal Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.213 dated 17.12.2019, under Sections 323, 34, 341, 506 and 326 IPC (added later on), registered at Police Station, Babain, District Kurukshetra. The petitioner is in custody since his arrest on 14.02.2020.

The above FIR was registered on the complaint made by Naibo wife of late Shri Tej Pal, resident of village Gudha P.S.Babain, District Kurukshetra on 17.12.2019, wherein it was alleged that her husband had died in the year 2006 and she has two sons, namely, Surender and Sanjeev. Sanjeev was doing labour work. She further stated that on 16.12.2019 at about 6.30 p.m., her son Sanjeev went to BC Chopal, where Mangu @ Manjit son of Ramesh Kumar, Prince @ Shubham son of Deep Chand and Rajat son of Shyam Lal, resident of Village Gudha, were already present. They caught her son Sanjeev in the court-yard (Baramada) of said chopal. Prince gave an iron rod blow on the head of her son Sanjeev, whereas Mangu @ Manjit gave iron rod blow on his right leg and Rajat gave fist

blows to him. When her son made noise Mar Diya Mar Diya, then on hearing noise, she reached Chopal. Many other persons had also gathered there. She rescued her son from the clutches of the above named accused and while leaving the spot, they threatened her son with dire consequences. After that, she admitted her son Sanjeev in the Government Hospital, Kurukshetra and requested for taking legal action against the said persons. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the investigation of the case is complete and, therefore, the further custody of the petitioner may not be necessary. He prays for grant of regular bail, during the pendency of the trial.

On the other hand, learned State counsel assisted by HC Mahinder Pal Singh has opposed the prayer on the ground that the victim suffered a fracture in the leg as a result of the blow given by the petitioner. However, it is not disputed by him that the offence punishable under Section 326 IPC was added later on and the investigation of the case is complete.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after his arrest on 14.02.2020, is presently confined in judicial custody, therefore, his further detention behind the bars 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/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Kurukshetra.

The petition is allowed.

September 07, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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