

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

CRM M 12358 of 2020 (O&M)
Date of Decision:19.6.2020

Rinku ... Petitioner

Versus

State of Haryana ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Yashpal Thakur and Mr.Gaurav Arora, Advocates
for the petitioner

Mr.Saurabh Mohunta, DAG, Haryana

RAJIV NARAIN RAINA, J. (Oral)

1. This matter is being taken up for hearing through Video conference/WhatsApp due to the pandemic COVID-19.
2. This petition has been filed under Section 438 Cr.P.C. for grant of bail pending trial to the petitioner in case FIR No.131 dated 12.7.2019 under Sections 307, 506, 325, 148, 149, 323 and 120B of the IPC registered at P.S. Bass, District Hisar.
3. Learned counsel for the petitioner submits that the story is that petitioner's wife was raped by injured Kapil and the incident is a case of revenge. Kapil is at large and has not been arrested so far in an incident which took place on 11.6.2019. Learned counsel argues that the injury on the head of Kapil allegedly caused by petitioner and one Ramesh has not been declared in the MLR "to be dangerous to life which would cause death in normal course". Although the alleged injury has been declared as "dangerous to life", but there is no opinion

counsel would urge that Section 307 of the IPC is not attracted and it could be a case of Section 320 (8) of the IPC which means any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits. Learned counsel submits that Kapil was discharged after 10 days of the injury.

4. I have heard learned counsel for the parties and gone through the paper-book.

5. Looking to the entire incident and the fact that the petitioner is in judicial custody for about one year and trial will take a long time, no useful would be served by keeping the petitioner behind the bars.

6. In view of the above, the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial court/duty magistrate.

7. This petition is disposed of qua the petitioner, however, it is kept pending for Mr.Mohunta to submit report on the status of the case of Kapil and to disclose this Court reasons for not arresting him so far. Let report be submitted on or before 20.7.2020. For this limited purpose, the case be listed on 20.7.2020.

19.6.2020
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No