

CRM-M-12812-2020 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-12812-2020 (O&M)

Date of Decision: 8th June, 2020

Sombir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Vijay Kumar Sheoran, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.415, dated 14/15.10.2018, registered at Police Station Badhra, District Charkhi Dadri, under Sections 147, 148, 149, 186, 325, 332, 353 302, 307, 323 and 341 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the petitioner is alleged to have driven the tractor and had over run the complainant. No other role has been attributed to the petitioner in the commission of the crime. In the MLR, no crushing injury has been found on the person of the complainant. Petitioner was arrested on 07.01.2019 and is in custody since then. Out of 46 prosecution witnesses, only two witnesses have been examined till date including the complainant. Petitioner is in

custody since more than one year and five months. The trial is not likely to conclude in near future. He, therefore, prays for grant of regular bail.

Counsel for the State, on the other hand, contends that initially, an FIR was registered by the complainant party against the petitioner's party alleging interference in the possession of land, for which two police officials were deputed along with the complainant party on 22.09.2018. On 14.10.2018, petitioner along with the others came together with a common intention and attacked the complainant party. In the fight, which accrued, two persons were killed. Even the police officials were not spared and were injured. He, therefore, submits that the petitioner be not granted the concession of bail. However, with regard to the other assertions of the counsel for the petitioner, the same could not be disputed by the counsel for the State.

I have considered the submissions made by the learned counsel for the parties.

The role which has been attributed to the petitioner is that he was driving the tractor with which he had over run the complainant. There is no crushing injury on the person of the complainant. No other role, apart from this, has been attributed to the petitioner in the present case. Out of 46 prosecution witnesses, only two witnesses have been examined including the complainant. Petitioner is in custody for more than one year and five months and therefore, he deserves the concession of grant of regular bail especially in the light of the fact that the trial is not likely to conclude in near future in the prevailing pandemic situation. Accordingly, this criminal

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miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Charkhi Dadri.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

8th June, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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