

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

**CRM-M-13034 of 2020(O&M)
DATE OF DECISION : 30.10.2020**

Lal Chand @ Lali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Karanjeet Singh Brar, Advocate,
For the petitioner.

Mr. P.S. Walia, AAG Punjab.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

1. Petitioner is seeking regular bail in FIR No.301 dated 16.11.2019, registered under Sections 326 read with Section 34 IPC, Police Station Salem Tabri, District Ludhiana. Section 307 IPC was added later on.
2. Per FIR allegations, complainant Jaspal Singh was attacked by petitioner and Santokh Ram, Gurdev Ram and Satnam @ Sammi due to a dispute over flow of water in the fields. They all caught hold of complainant and petitioner gave a blow with sharp edged weapon on the back side of the complainant. Complainant raised alarm. The accused then fled from the spot. The injured was brought to the hospital for treatment. It is the case of the prosecution that injury on the back of the complainant was declared grievous and provisions of Section 307 IPC were thus invoked. The petitioner was arrested on 26.11.2019 and since then he is in custody.

3. Learned counsel for the petitioner submits all the co-accused have been enlarged on bail but petitioner continues to languish in jail. He further submits that no useful purpose would be served by keeping the petitioner in preventive custody any more as presently trial is held up due to Covid-19 pandemic. The petitioner is not involved in any other case. He further submits that provisions of Section 307 IPC are wrongly been invoked as the essential ingredients to invoke the provisions *ibid* are conspicuously missing as the petitioner did not inflict the alleged sharp edged weapon blow. That apart, he submits that petitioner is ready to compensate the complainant.

4. Learned State counsel, on the other hand, opposes the bail plea. He submits that due to injury inflicted by the petitioner, the complainant has sustained disability to the extent of 75% and he remained in the hospital for more than a month.

5. The petitioner is in custody for the last about 11 months. He is not involved in any other case. Investigation in the case is . Challan has been filed. Presently there is no headway in the trial, which is held up due to Covid-19 pandemic. There is no likelihood of its resumption or conclusion anytime soon. Courts are currently working with restrictions due to Covid-19 pandemic and are taking up only urgent matters. No useful purpose would be served by keeping him in preventive custody any further. He is ready to compensate the complainant, which though may not undo the alleged wrong committed by him, but would, to some extent, give a sigh of relief to complainant.

6. In the premise, taking wholesome view of the matter, but without expressing any opinion on the merits of the case, at this juncture, the

petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be, subject to petitioner's paying a sum of Rs.50,000/- as compensation to the complainant and on producing proof thereof at the time of furnishing of bonds.

7. Petition stands allowed accordingly.

OCTOBER 30, 2020
Jiten

(ARUN MONGA)
JUDGE

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