

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

CRM M 13796 of 2020 (O&M)
Date of Decision:19.6.2020

Rajbir Singh

... Petitioner

Versus

State of Haryana

... Respondents

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

Present: Mr.Yashpal Thakur & 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 petitioner is brother-in-law of co-accused Rinku. Rinku'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

death and therefore, learned 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. Learned counsel for the State submits that the petitioner has been declared proclaimed offender on 13.3.2020.

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

6. Looking to the entire incident and without going into the merits of the case which are matter of investigation and trial, this is a fit case for grant of anticipatory bail. However, since the petitioner has been declared a proclaimed offender, he is directed to surrender before the trial court on 23.6.2020 when his regular bail application will be considered by the trial court and he shall be admitted to bail pending trial to the satisfaction of the trial court.

7. Disposed of.

(RAJIV NARAIN RAINA)
JUDGE

19.6.2020
MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No