

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14919-2020

DATE OF DECISION: JUNE 29, 2020

SAWAN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR.HARISH MEHLA, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Sawan has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.308 dated 28.12.2019 under Section 148, 149, 323, 326, 307, 506 IPC, Police Station Sector 14, Panchkula, pending trial. The petitioner is in custody since his arrest on 8.1.2020.

The FIR was registered on the statement of Suraj, wherein it was alleged that on 26.12.2019 at about 5.15 p.m., he left his house for eating eggs from a rehri (street vendor) near Budhanpur Gurudwara and there, he saw Praduman was also present there, who was residing in his colony. When Praduman saw him (complainant) then, he called Abhyas alongwith 3-4 boys and told him to carry weapons as he wanted to teach him a lesson because of fight which took place on previous day. According to the complainant, when he was eating eggs, Abhyas gave 2-3 stab blows in his stomach with a knife and the other boy hit him on head, with knife and

rod. The complainant got fainted and fell on the ground. Thereafter all the boys attacked him with knife and rods, but he was saved by his uncle namely, Pardeep, who was also standing close-by. On raising an alarm by said Pardeep, all the assailants ran away while giving him threats. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that complainant Suraj S/o Sant Ram had named accused Abhyas and Praduman who allegedly caused injuries to him in the occurrence dated 26.12.2019. According to the allegations, Abhyas who was armed with a knife had given few blows in the stomach of the complainant whereas, his accomplice Praduman who was armed with a rod gave blows on his head and alongwith other accused persons. Learned counsel further contends that the petitioner has been falsely implicated being friend of accused Abhyas and is not required for any investigation. Learned counsel has contended that the injury attributed to the petitioner does not fall within the ambit of Section 307 IPC. According to him, the investigation of the case is complete and therefore further custody of the petitioner may not be necessary. He prays for grant of regular bail to the petitioner during the pendency of the trial.

Learned counsel for the State assisted by SI Brijpal has opposed the prayer on the ground that the accused was present on the spot, however, he was not named in the FIR. According to him, the petitioner was accompanying the other accused who gave knife blows to the complainant. It is not disputed by Mr. Sukhdeep Singh Parmar, learned State counsel that the investigation of the case is complete and the final report under Section

173 Cr.P.C. was filed on 1.4.2020. He submits that the charges are yet to be framed against the accused persons.

After hearing learned counsel for the parties, this Court does not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread. The petitioner after his arrest on 8.1.2020 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 in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

June 29, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No