

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

205

CRM-M No.15334 of 2020

Date of Decision: July 1st, 2020

Guru Parshad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Shakinder Pal Singh Chakkal, Advocate
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.224 dated 11.10.2019 registered under Sections 148, 307, 323, 324, 326, 506/149 IPC at Police Station Sector 14, Panchkula.

It is the contention of learned counsel for the petitioner that as per the allegations in the FIR, petitioner is said to be accompanying the co-accused, armed with a stick and had, as per the challan, hit the complainant on the leg with his stick. Petitioner was arrested on 15.10.2019 and is in custody since then. Charges have also been framed and the next date of hearing is 16.07.2020. Eight witnesses have been cited by the prosecution and as of now, the trial is not proceeding. Some of the co-accused are yet to be arrested and further because of prevailing pandemic, the trial is not likely to proceed in near future as well.

Counsel for the State, on the other hand, contends that although the role, which has been attributed to the petitioner, may be the same as has been stated by the counsel for the petitioner, however, recovery stands effected from the petitioner of the stick, which was used in the commission of the offence. He is also involved in another case i.e.

FIR No.110 of 2018 and the offences therein are also of the same nature. That apart, it is asserted that the petitioner resides in the same area, where the complainant resides and, therefore, there is likelihood of the petitioner pressurizing the complainant. Prayer has thus been made for rejection of the present petition.

I have considered the submissions made by the counsel for the parties and have, with their assistance, gone through the records of the case.

As per the allegations against the petitioner, the role as has been pointed out by the counsel for the petitioner, is not disputed. The fact remains that the petitioner is in custody for almost 8½ months. The injury which has been attributed to the petitioner is on a non-vital part and that too by a *danda*, which has been recovered. Out of the total nine accused, only two accused have been arrested as of now and seven are still to be arrested. The trial is not likely to proceed in near future because of the prevailing pandemic situation.

In view of the role attributed to the petitioner and the period he has already spent in custody, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Panchkula.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

July 1st, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No