

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

104

**Criminal Misc. No. M-16074 of 2020(O&M)
Date of Decision:20.07.2020**

Veerpal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Kulvir Narwal, Advocate,
for the petitioner.**

Mr. Chetan Sharm, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

This is the second petition for grant of regular bail to the petitioner-Veerpal in a criminal case arising from FIR No. 187, dated 23.03.2018, registered under Sections 148/149/323/341/325/506/302/120-B IPC, at Police Station Sadar, Bahadurgarh.

The gist of the case of the prosecution has been noticed by the learned Additional Sessions Judge, Jhajjar, in paragraph 2, which is extracted as under:-

“2. Case of the prosecution was launched on the application moved by complainant Ashok Kumar, who reported that on 22.03.2018, at about 6:30 PM, he was sitting in front of his house and his grand son Sarthi, aged 6 years, was playing in the street. At that time, his neighbourer Sunil came on his cycle and drove it dangerously due to which his grand son got annoyed.

His son Nikesh asked Sunil to drive his cycle properly but instead of agreeing to his advice, Sunil started quarreling with Nikesh. Thereafter, Krishan and Birpal reached there and confronted the complainant about the incident. Thereafter, Sunil, Anil and Amit sons of Krishan and Mukesh threw bricks at the complainant party. Thus, complainant alongwith his son Ombir went to Police Post for lodging the report. When complainant was returning back to his house and had reached near the house of Pappal Prajapat, accused Amit, Sunil, Anil sons of Krishan, Pawan, Ankit son of Birpal, Krishan son of Hariya, Krishna wife of Krishan, Kamlesh wife of Birpal, armed with iron rods and pipes, were found present there. At that time, complainant's son Nasib and Nikesh and his nephew Pawan were coming on motorcycle. Accused Krishan alongwith his accomplices got his sons stopped and attacked upon them. They caused injuries to Nasib, Nikesh and Pawan. When Krishan, cousin of complainant, and several other persons reached there, on seeing them, accused persons fled away from the scene after threatening the complainant party with dire consequences. On his statement, formal FIR No. 187 dated 23.03.2018 under Sections 148,149,323,341,506 IPC, PS Sadar Bahadurgarh was registered against accused persons. Later on the doctor declared the injury suffered by Pawan as grievous in nature and dangerous to life, so the offence under Section 307 IPC and 120B IPC were added. Nikesh died due to the injuries suffered by him and hence offence under Section 302 IPC was also added.”

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioner contends that out of 2

incidents which happened, the petitioner herein is stated to have admonished Sunil in the first one, whereas in the second incident, the petitioner is alleged to have arrived subsequently and then threatened the first informant and his family members.

He submits that the petitioner is in custody for more than 2 years and 3 months. Trial of the case is progressing at a snail's pace as prosecution as of now has only examined 7 prosecution witnesses out of 27 proposed to be examined.

On the other hand, learned counsel appearing for the State has opposed the application by contending that the petitioner is involved in a heinous crime.

This court has considered the submissions and with able assistance of learned counsels for the parties, gone through the paper book.

The correctness of the facts noticed by learned Additional Sessions Judge in paragraph 2 of the impugned order is not being disputed.

Learned State counsel has informed that the petitioner does not have any criminal antecedents. The petitioner is in custody for more than 2 years and 3 months.

Keeping in view the restricted functioning of the courts due to spread of corona virus, conclusion of the trial is likely to take time.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody for more than 2 years and 3 months and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

(ANIL KSHETARPAL)
JUDGE

July 20 , 2020
“nt”

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