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

Date of Decision: 05.11.2020

1. CRM-M No.16347 of 2020(O&M)

Arjun

.....Petitioner

Vs

State of Haryana

.....Respondent

2. CRM-M No.7474 of 2020(O&M)

Pardoom

.....Petitioner

Vs

State of Haryana and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Raj Kishore, Advocate
for the petitioner(s).

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Vide this common order, CRM-M No.16347 of 2020 titled Arjun Vs. State of Haryana and CRM-M No.7474 of 2020 titled Pardoom Vs. State of Haryana and another are being disposed of. Facts are being taken from CRM-M No.16347 of

2020.

Petitioner(s) seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.308 dated 28.12.2019 registered under Sections 148, 323, 326, 307, 506 and 149 IPC at Police Station Sector-14, Panchkula.

FIR was registered at the instance of complainant Suraj who alleged that on 26.12.2019 at about 5:15 PM, he went to Indira Colony for eating eggs on a rehri. He was standing near the rehri, where one person namely Praduman was also standing. On seeing the complainant, he called his friend Abhyas. There was a fight between the complainant and the accused party on a day earlier to the date of occurrence. Abhyas was asked to come with weapons along with 3-4 boys. When the complainant was enjoying eggs, Abhyas came from behind and attacked at the back of his neck with a knife blow. He again attacked on the complainant in his stomach 2-3 times. Other boys also attacked the complainant with their weapons. Complainant fell down and all the assailants kept on inflicting injuries upon him. Uncle of the complainant saved him by raising alarm.

Learned counsel for the petitioner(s) submits that the petitioner Arjun is not the author of the injury under Section 307 IPC. He has not been named in the FIR. He has been

nominated only on the basis of disclosure statement of co-accused Abhyas.

Learned State counsel on instructions from SI Brijpal submits that Abhyas was arrested on 30.12.2019. He surrendered before the Court of Judicial Magistrate Ist Class, Panchkula. During investigation, he was found to be juvenile. Knife was recovered from him and now he is lodged in halfway safe house Ambala City.

On the basis of disclosure statement of Abhyas, petitioner was arrested on 08.01.2020. Iron pipes were recovered from the petitioner and co-accused Sawan, who has been granted regular bail by the Co-ordinate Bench vide order dated 29.06.2020 passed in CRM-M No.14919 of 2020.

The factual position of the case has not been disputed by learned State counsel. On 12.10.2020, learned State counsel also sought time to apprise this Court whether the petitioner was identified by the complainant in some test identification parade or not.

In compliance of the aforesaid order, learned State counsel submits that no such test identification parade was conducted in terms of Section 54-A of the Code of Criminal Procedure.

So far as Pardoom is concerned, no role has been attributed to him except to call Abhyas on mobile phone on seeing the injured.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without advertng to the merits of the case, I deem it appropriate to enlarge the petitioner(s) on regular bail.

In view of above, both the petitions are allowed. Petitioner(s) is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove, shall be construed to be an expression of any opinion on merits of the case.

05.11.2020*Prince*

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No