

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16436-2020 (O&M)

Date of Decision: 13.07.2020

Naresh

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Ravinder Phogat, Advocate for the petitioner

Mr. Sukhdeep Parmar, DAG, Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Naresh aged 30 years has filed the present petition *inter alia* with a prayer for grant of regular bail. He has been allegedly involved in case FIR No.169 dated 31.07.2018 under Sections 148/149/323/325/452/216/302 IPC registered at PS Bond Kalan, District Charkhi Dadri.

Learned counsel based upon the pleadings submits that the petitioner was arrested on 07.12.2018. Counsel has urged that no specific injury, which could be said to be fatal, has been alleged against the petitioner and he was stated to be armed with *lathi* only. Counsel then submits that the other 2 co-accused, namely, Harpal and Mala Ram have been granted regular bail by this Court vide orders dated 26.02.2020 and 22.05.2020 in CRM-M-2300-2020 and CRM-M-9383-2020 (P3 & P4, respectively).

Notice of motion.

On the asking, Mr. Sukhdeep Parmar, DAG, Haryana accepts notice on behalf of the respondent through video conferencing.

On the asking, learned State counsel informs that the other 2 co-accused persons who have been granted bail have been attributed slaps and fist blows. On further asking, he submits that the dispute had arisen over an electrical pole. Learned State counsel then informs that there were 3 injured persons: one of whom was brought dead and other 2 were discharged within a day.

Faced with this, learned counsel for the petitioner submits that the petitioner had undergone more than 1½ years of custody. There were 12 accuseds named out of which 3 were found innocent and other 2 have been granted bail. He further submits that after presentation of challan, only 9 witnesses have been examined out of a total of 32 witnesses.

Counsel then submits that due to COVID situation retention of the petitioner in jail is dangerous to his life and otherwise also the trial is likely to take some time.

In view of the above, this Court deems it appropriate to release the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the trial court may further require the petitioner to furnish as it deems appropriate, the petitioner is directed to deposit Rs.30,000/- with the Duty Magistrate/trial Court which

shall be disbursed to the injured party toward medical expenses as there are 3 persons who are stated to be injured in this altercation.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

13.07.2020

vishal shonkar

(Girish Agnihotri)
Judge

- 1. *Whether speaking/reasoned?*
- 2. *Whether reportable?*

Yes/No
Yes/No