

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-17266-2020**

DATE OF DECISION: JULY 20, 2020

PANKAJ

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.**

PRESENT: MR. J.S. THIND, ADVOCATE FOR THE PETITIONER.  
MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

**MANOJ BAJAJ, J.(ORAL)**

Petitioner Pankaj has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.169 dated 8.3.2020, under Sections 147, 149, 324, 307, 506 IPC, Police Station HTM, Hisar. The petitioner is in custody since his arrest on 13.3.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Hisar in his order dated 20.6.2020 are as under:-

*“The present case was registered on the statement of complainant Parvesh son of Ajay wherein he alleged that on 07.03.2020 at around 9 PM, when he alongwith his friend Rahul son of Parmod Sharma were on their way to Shanti Nagar, suddenly Gaurav son of Raj Kumar came there alongwith 4-5 other boys. Gaurav told his friends to kill the complainant. One of the boys gave a knife blow on the right side of his stomach. The complainant stated that he can identify him, if produced before him. The assailants fled the spot after threatening to kill him in future.”*

Learned counsel for the petitioner contends that in the initial statement made by the complainant, the petitioner was not named as an accused in the occurrence and the allegations were directed primarily against co-accused Vikas. He submits that the victim suffered knife injury which was attributed to Vikas. According to him, the statement of the complainant was again recorded under Section 161 Cr.P.C. wherein the petitioner was also introduced as an accused on the ground that he also gave slaps and fist blows. He has argued that the investigation of the case is complete, but the trial would consume considerable time in view of the ongoing pandemic COVID-19, therefore, further custody of the petitioner may not be necessary. He has prayed that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Manmohan Singh has opposed the aforesaid prayer on the ground that the petitioner was one of the accomplices of accused Vikas who had caused injury with a knife to the complainant which invited the offence punishable under Section 307 IPC. He submits that the investigation of the case is complete and the final report stands submitted on 8.5.2020. He further states that the petitioner is not involved in any other case.

After hearing the learned counsel for the parties, this Court is of the opinion that the investigation of the case is complete, but the trial of the case 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, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose. 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 concerned.

The petition is allowed.

July 20, 2020  
Gulati

**(MANOJ BAJAJ)**  
**JUDGE**

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No