

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18868-2020

Date of Decision : 04.08.2020

Rinku

....Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Arun Sharma, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Section 439 of Cr.P.C. is for grant of regular bail to the petitioner during pendency of trial in case FIR No.456 dated 13.12.2019, registered under Sections 148, 149, 323, 324, 452, 506 of Indian Penal Code, out of which Sections 148 and 149 of the IPC were deleted and Sections 34, 325 and 326 were added later on, at Police Station Madhuban, District Karnal.

3. Learned counsel for the petitioner by referring to the FIR, Annexure P/1, contends that the injury attributed to the petitioner is a sword blow on the right hand of the complainant, whereas as per the MLR, injury on the right hand of the complainant is only swelling with slide abrasion, besides recovery of only danda has been made from the petitioner. Learned

counsel contends that grievous injury is attributed to the main accused,

Jitender, who hit the complainant with *gandasi* blow on his left hand. Besides the instant FIR is a counter blast to the FIR registered by the petitioner i.e. FIR No.310 dated 03.09.2019, U/s 148, 149, 323, 325, 452, 506 of IPC, P.S. Madhuban, District Karnal.

3. Learned DAG, Haryana, does not controvert the factual position as noted above, although, she states that the petitioner is on bail in a criminal appeal against conviction U/s 302 IPC.

4. In view of the fact that the petitioner is in custody since 19.12.2019 and although injury attributed to him is a blow with sword on the right hand of the complainant but as per MLR the injury on the right hand of the complainant is only swelling with small abrasion as also the fact that the petitioner had earlier registered FIR No.310 dated 03.09.2019, U/s 148, 149, 323, 325, 452, 506 of IPC, P.S. Madhuban, District Karnal, against the complainant and that challan has been filed, yet no prosecution witness has been examined meaning thereby the trial would take considerable period of time to conclude on account of prevailing Corona Virus pandemic, no useful purpose would be served by keeping the petitioner in custody. Accordingly, the petition for regular bail is allowed. The petitioner is ordered to be released on regular bail provided he is not required in any other case and subject to his furnishing bail bonds / surety to the satisfaction of the learned CJM / Trial Court / Duty Magistrate, concerned. Further, the petitioner shall furnish an undertaking before the concerned police station that during the period of bail, he shall not commit any offence. In case of violation of the undertaking, the prosecution would

6. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

August 04, 2020
‘PS/Rajesh’

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>