

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

219

CRM-M-19082-2020(O&M)

Date of decision : 07.08.2020

NASIB CHAND

.....Petitioner

versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.J.S.Saneta, Advocate, for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

Mr. Arvidner Arora, Advocate, for the first informant.

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for grant of regular bail pending trial in a criminal case arising from FIR No.596, dated 19.11.2019, registered under Section 323/324/506/34 IPC (Section 307/302 IPC added afterwards), at Police Station Shahabad, District Kurukshetra.

In a nutshell, the case of the prosecution has been noticed by the learned Sessions Judge, Kurukshetra, in paragraph 2 of the order dated 01.06.2020, which is extracted as under:-

“2. As per the case of prosecution, on 18.11.2019 complainant Abhilesh alongwith his brothers Rahul, Heera Lal and father Subhash had gone village Mohari to attend the marriage of his cousin, where a quarrel took place between his father Subhash Chand and Manish son of Nasib Singh (petitioner). But, the matter was resolved by the relatives and Manish was sent back home. However, after sometime, in furtherance with their

common intention, Manish armed with a knife, Goldi, Rahul and Nasib Singh (petitioner) and 2/3 other persons having dandas and bindas came there. Manish gave knife blow in the stomach, head and right elbow of Heera Lal, brother of complainant and Rahul, Goldi and Nasib Singh (petitioner) caused injuries to complainant and his brother Rahul with dandas and bindas. They raised hue and cry. Complainant's father Subhash Chand and cousin Tinku and other relatives came out of the house on which all the accused fled away from the spot alongwith their respective weapons."

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

Learned counsel for the petitioner contends that the petitioner is stated to be armed with a wooden stick and has given general injuries. He further submits that the altercation took place in a marriage function and there was no previous enmity between the parties. He further submits that on the conclusion of the investigation, final report under Section 173 Cr.PC. has already been submitted to the court, however, the trial of the case is yet to commence.

On the other hand, learned State counsel has submitted that the petitioner is involved in a heinous crime.

Mr. Arvinder Arora, Advocate, who appears for the first informant submits that the deceased also received injuries with blunt weapon.

This court has considered the submissions.

The petitioner is in custody since 11.12.2019. The petitioner was armed with a wooden stick. The petitioner has not attributed any specific injury to the deceased. The 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 since 11.12.2019 and the 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 trial Court/Duty Magistrate.

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

August 07, 2020

nt

Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)

JUDGE

: Yes/No

: Yes/No