

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19384-2020
Date of Decision: 06.08.2020

Hari Singh

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.S.Sarwara, Advocate for the petitioner.
Ms. Gaganpreet Kaur, AAG Haryana.
*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

The petitioner has prayed for grant of regular bail in case FIR No.128 dated 3.4.2020, under Sections 323, 452, 506 read with Section 34 IPC (Section 307 IPC added later on) registered at Police Station City Dabwali, District Sirsa.

Briefly, the FIR has been registered on the basis of the statement of Raj Singh alleging that on 1.4.2020 at about 7:30, after consuming meals they were standing outside the house. Meanwhile, Hari Singh-petitioner and Kuldeep Singh who are residing in the neighborhood started hurling abuses. At about 8.15, the petitioner along with Ram Sarup @ Kali and Kuldeep Singh armed with kappa entered the house of the complainant. Ram Sarup @ Kali inflicted kappa blow on the head of Gursahab Singh, Kuldeep Singh inflicted kappa blow on the head of Gursahab Singh. The complainant tried to intervene and the petitioner gave kappa blow on his head. An alarm was raised and the assailants slipped away from the spot.

It has been pointed out by learned counsel for the petitioner that simple injury has been attributed to the petitioner, the FIR has been lodged after a delay of two days, the arrest of the petitioner was effected on 5.5.2020,

investigation of the case is complete and challan has already been presented in the Court. Furthermore, the matter has been amicably settled with the complainant and the injured. Both of them have furnished affidavits to the effect that name of the petitioner was got recorded on suspicion only. The affidavit of Gursahab Singh indicates that some unknown person had given a push to him.

Learned State counsel, on instructions of ASI Ram Niwas, has not disputed the factual aspect of the matter but has argued that there are specific statements recorded during the investigation of the injured implicating the accused.

In the instant case, the injury under Section 307 IPC has not been attributed to the petitioner, the injury attributed to the petitioner is simple one, his arrest was effected on 5.5.2020, investigation of the case is complete and challan has already been presented. Furthermore, affidavits of both the injured also provide mitigating circumstances for release of the petitioner on bail.

Considering the above and the fact that conclusion of trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

06.08.2020

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No