

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

207

CRM-M No.19431 of 2020 (O&M)

Date of Decision: August 24th, 2020

Rahul @ Doga

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Raghujeet Singh Madan, Advocate
for the applicant-petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASI, J. (ORAL)

CRM-20695-2020

In compliance with the order passed by this Court on 06.08.2020, the medico-legal report of complainant-Manjeet son of Mange Ram has been placed on record along with the opinions of the doctors.

The application is allowed subject to just exceptions.

CRM-M-19431-2020

Petitioner has approached this Court for grant of regular bail in FIR No.0024 dated 25.01.2020 registered under Sections 323, 324, 34, 120-B and 506 IPC (Section 326 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, were added later on) at Police Station Industrial Sector 29, District Panipat.

It is the contention of learned counsel for the petitioner that the petitioner is in custody since 25.03.2020. All the injuries, which have been attributed to the petitioner with a knife, have been found to be simple. Injury No.6, which has been found to be grievous, is not by a sharp weapon and, therefore, cannot be attributable to the petitioner. Assertion, therefore, has been made that the petitioner deserves to be granted the concession of bail,

especially in the light of the prevailing circumstances, where the trial is not proceeding because of the pandemic.

Counsel for the State, in the light of the documents, especially the medico-legal report, which has been placed on record, could not refute the submissions, as have been made by the counsel for the petitioner, however, she contends that the petitioner along with the others, had attacked the complainant and had caused the injuries upon the vital parts of the body. Threat was also given by the petitioner to kill the complainant and, therefore, the concession of bail be not granted to the petitioner.

Counsel could not dispute the assertion, on instructions from ASI Naresh, Police Station Sector 29, Panipat, that there is not other case against the petitioner except for the present one.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that all the injuries, which have been attributed to the petitioner, are simple in nature, with the petitioner being in custody for more than five months and there being no other case against him, with the trial not proceeding because of the prevailing circumstances, continuation of the petitioner in custody would not serve any useful purpose and, therefore, the present petition is allowed.

Petitioner is ordered to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Panipat.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

August 24th, 2020

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No