

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

217

CRM-M-19714-2020

Date of decision: 07.08.2020

Rahul

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Arpandeeep Narula, Advocate
for the petitioner.

Mr. Jatinder Kumar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.315 dated 23.05.2020 registered under Sections 323, 324 and 188 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC") at Police Station Sirsa City, District Sirsa to which Section 326 of the IPC was added lateron.

The present FIR was registered on statement of complainant Ramu who alleged that on the intervening night of 22/23.05.2020 at about 01:30 A.M., when he was sleeping in front of shop No.17, under the shed of Additional Mandi and his brother Vicky was sleeping inside shop No.19 and his brother Anil was sleeping outside shop No.19, a white coloured car stopped in front of shop No.19 out of which four occupants alighted while having swords in

their hands and they all started giving sword blows on the hands as well as neck of his brother Anil who raised noise which attracted the complainant and his brother Vicky who saw Aman Pahalwan and Rahul Adiwai (petitioner) along with two other unknown persons giving sword blows to their brother Anil. When they challenged, all the assailants fled from the spot with their respective weapons.

Pursuant to supply of advance copy, learned State counsel has appeared and opposed the petition. However, no reply has been filed by the respondent-State.

Mr. Gurvinder Singh Sidhu, Advocate has put in appearance on behalf of the complainant and undertakes to file his power of attorney in the registry.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for the complainant and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. Vague and general allegations are levelled in the FIR and there is no specific attribution of any injury to the present petitioner. The attending doctor has categorically opined that all the injuries are simple in nature except injury No.7 which is stated to be grievous in nature. The injury attracting Section 326 of the IPC is not attributed to the petitioner. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be ordered to be released on bail.

On the other hand, learned State counsel assisted by

learned counsel for the complainant has submitted that the petitioner is accused of having inflicted injuries on the complainant with sword. The occurrence was recorded in CCTV footage in which the petitioner is seen causing the injuries. The petitioner does not deserve the concession of regular bail. Therefore, the present petition may be dismissed.

In the present case, the petitioner along with his co-accused is alleged to have caused seven injuries with sword to Anil while he was sleeping outside shop No.19. The injuries caused include the injury on his neck. Injury caused with sharp edged weapon on right forearm of Anil was found to be grievous. In view of the facts and circumstances of the case particularly nature of accusation and evidence against the petitioner and the fact that the trial can be expedited but without commenting on the merits of the case, I am of the considered view that the petitioner does not deserve grant of regular bail.

In view of the above discussion, the present petition is dismissed. However, the trial Court is directed to expedite the trial on easing out of the restrictions imposed to prevent the spread of infection of Covid-19.

A copy of this order be sent to the trial Court concerned for requisite compliance.

07.08.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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