

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19687-2020 (O&M)

Date of Decision: August 07, 2020

Lalit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. D.K.Tuteja, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.205 dated 20.03.2020, under Sections 323, 324, 506, 34 IPC and Section 307 IPC (added later on), registered at Police Station, Shivaji Colony, Rohtak. The petitioner is in custody since his arrest on 13.05.2020.

The above FIR was registered on the basis of the statement of complainant Mohit, wherein it was stated that on 19.03.2020, he had exchange of hot words with Lalit, Monu and Neeraj and the residents of the village intervened and he returned to his shop. In the evening at about 7.00 p.m., Lalit, Monu and Neeraj came to his tea shop together and started beating him with kick blows. Meanwhile, Lalit and Neeraj caught hold of him and Monu gave blows with bodkin. He cried for help, then the son of his uncle, namely, Amit came on the spot and on seeing him, the accused persons ran away by extending threat to his life. On these broad, allegations, the above FIR was registered.

Learned counsel for the petitioner contends that initially the FIR was registered for the offences punishable under Sections 323, 324, 34, 506 IPC and subsequently, the offence punishable 307 IPC was added on 07.05.2020. Learned counsel further contends that the injuries inviting the offence under Section 307 IPC have been attributed to co-accused Deepak. He further contends that as per the initial version, the said injury was caused by Monu, but subsequently, it was clarified by complainant that in fact, instead of Monu, it was his brother, namely, Deepak, who caused the injuries. Learned counsel submits that the investigation of the case is complete, therefore, the petitioner be extended the concession of regular bail, pending trial.

On the other hand, learned State counsel assisted by SI Narender Singh, has opposed the prayer on the ground that the petitioner participated in the crime and facilitated the commission of the offence. However, it is not disputed by him that as per the first version, the injury was attributed to Monu, but by supplementary statement made on 1.4.2020, it was stated by complainant that actually it was Deepak, who caused the injuries and from the said accused, the weapon of offence has also been recovered. It is apprised that the final report stands filed before the Court on 04.07.2020.

Considering the above background and the custody of the petitioner, this Court does not find any reason to decline the prayer, particularly when the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread. The petitioner after

his arrest on 13.05.2020, is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning 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 Trial Court/Duty Magistrate, Rohtak.

The petition is allowed.

August 07, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No