

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19942-2020

Date of Decision : 10.08.2020

Mohit @ Mintu

...Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Nonish Kumar, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C., is for grant of regular bail to the petitioner during pendency of trial in case FIR No.70 dated 29.01.2020, registered under Sections 148, 149, 323, 324, 506 of IPC, to which, Section 307 of IPC was added later on, at Police Station City Karnal, District Karnal.
3. Learned counsel contends that the injury dangerous to life inflicted on the victim is attributed to co-accused, Beeru, whereas there are general allegations of Beeru, Ashish, Bhanu, Mintu (petitioner) and Kannu taking out a knife and attacking Manak. Learned counsel contends that no specific injury with the knife has been attributed to the petitioner and that

similarly situated co-accused, Bhanu has been released on regular bail by a Coordinate Bench, vide order dated 08.07.2020, passed in CRM-M No.15448 of 2020, while Kannu has been granted regular bail by the learned trial Court and the petitioner being similarly situated as Bhanu and Kannu is entitled to be released on regular bail.

4. Learned DAG, Haryana, on instructions from SI, Raminder Kumar, confirms the petitioner being similarly situated as Bhanu and Kannu as also of Bhanu having been released on regular bail by a Coordinate Bench of this Court vide order dated 08.07.2020, passed in CRM-M-15448-2020 as also Kannu having been granted regular bail by the learned trial Court. Learned DAG further states that during investigation, it was found that the petitioner had only inflicted fist blows. Learned DAG further states that the challan has been presented on 06.05.2020 but charges are yet to be framed.

5. In view of the position as noted above as also the fact that the petitioner has been in custody since 18.03.2020 and that co-accused, Bhanu and Kannu, have already been released on regular bail while the petitioner although alleged to have taken out knife, has been found during investigation only to have inflicted fist blows and the charges are yet to be framed, therefore, no useful purpose would be served by keeping the petitioner in custody especially in view of prevailing Corona Virus pandemic. Accordingly, the petition for regular bail is allowed. The petitioner is ordered to be released on regular bail provided he is not required in any other case and subject to his furnishing bail/surety bonds to the satisfaction of the learned CJM/Trial Court/Duty Magistrate, concerned.

6. However, nothing said in this order shall be taken to be an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

August 10, 2020
rajesh.k.khurana

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