

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

201**CRM-M-19960-2020 (O&M)****Date of decision: 21.08.2020****Naresh @ Neshi****.....Petitioner****versus****State of Haryana****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri****Present:** Mr. Surinder Singh Duhan, Advocate, for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

*(the aforesaid presence is being recorded through video**conferencing since the proceedings are being conducted in Virtual Court).***********GIRISH AGNIHOTRI, J. (Oral)**

The matter has been taken up through video-conferencing on account of the restrictions due to outbreak of pandemic COVID-19.

Petitioner-Naresh @ Neshi, stated to be aged 36 years, has filed the present petition under Section 439 Cr. P.C. *inter alia* praying for grant of regular bail in case FIR No.70 dated 04.04.2020, under Section 51 of Disaster Management Act, 2005, Section 25 of Arms Act, 1959 (now deleted) (Section 27 of the Arms Act, added later on) and Sections 148, 149 (deleted), 188 and 307 of IPC, registered at Police Station Pillu Khera, District Jind.

Learned counsel for the petitioner based on pleadings, submits that infact, the complainant has not disclosed true facts. Firstly, it was the brother of the petitioner, namely, Rakesh, who was being beaten up and had received grievous injuries. Secondly, learned counsel submits that there was no intention to use a fire arm to kill anybody. The petitioner had actually fired on the ground/street and after hitting the street, pallets of fire had hit the legs of the complainant.

Learned State counsel, on instructions, submits that the challan

has been presented on 30.05.2020. There are total of 20 witnesses but none has been examined till date.

Faced with the situation, learned counsel for the petitioner submits that infact, the injuries allegedly received by the complainant, are extracted in para 3 of the petition. It is noticed by the Court that in the said MLR, Surgery and Ortho opinion is also mentioned. He then submits that due to the present COVID-19 situation, detention of the petitioner in jail is dangerous to his life, therefore, petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

In addition to the above said bail bonds, petitioner shall deposit Rs.50,000/- with the Chief Judicial Magistrate/Duty Magistrate concerned, within one month from the date of his release, which shall be disbursed to the complainant towards his medical expenses.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

21.08.2020

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No