

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

203

CRM-M No.20385 of 2020 O&M)

Date of decision:16.11.2020

Vijay @ Labhu

... Petitioner

Vs.

State of U.T., Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.S.Mor, Advocate for the petitioner.

Mr. Sumit Jain, APP for U.T., Chandigarh.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-27823-2020

Prayer in the application is for placing on record Annexures P-6 to P-8.

For the reasons given in the application, same is allowed.

Annexures P-6 to P-8 are taken on record.

Main case

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.127, dated 24.05.2020 registered under Sections 452, 506, 307, 34, 188 of the IPC at Police Station IT Park, Chandigarh.

Counsel for the petitioner has argued that the sole allegation against the petitioner is of hitting the complainant with a baseball bat on his head. He has referred to the MLR, Annexure P-4 to submit that the injury allegedly inflicted upon the complainant has been found to be grievous in nature. His argument is that in this view of the matter, offence under Section 307 IPC is not attracted. He further submits that the MLR of the complainant shows that the injured/complainant was under the influence of liquor at the time of the alleged incident. Counsel has placed reliance upon the orders dated 20.07.2020, passed in CRM-M-17215-2020, ***Abhimanyu @ Manni Vs. State of U.T., Chandigarh***, Annexure P-2, and CRM-M-17189-2020, ***Naveen Vs. State of U.T., Chandigarh***, Annexure P-3, respectively, whereby co-accused have been granted regular bail by this Court. He submits that though the challan has been filed but the trial is not progressing due to outbreak of Corona Virus (Covid-19). By referring to Annexures P-6 to P-8, he submits that the petitioner has been acquitted in three FIRs and the other two cases which are stated to be pending against him as per the custody certificate, are DDRs under Sections 107/151 Cr.P.C.

Per contra, learned counsel appearing for the U.T., Chandigarh, upon instructions from SI Jaskaran Singh, submits that the petitioner is the main accused and his criminal antecedents do not warrant grant of bail to him. As per his instructions, the challan was filed on 22.08.2020 and the charges are yet to be framed. He has referred to custody certificate dated 13.11.2020 to submit that the petitioner is in custody for the last 5 months and 20 days.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offences and the fact that co-accused have been granted regular bail and the trial is likely to consume time due to spread of contagion, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

It is further clarified that, in case, the petitioner is found to be involved in any other criminal case henceforth, it will be open for the prosecution to seek cancellation of his bail.

16.11.2020

pooja saini

**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No