

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 207

CRM-M-20575-2020

Date of decision : 07.10.2020

Dheeraj

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.S.K.Rana, Advocate, for the petitioner.

Mr.A.K.Sehrawat, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.203 dated 25.06.2019 registered under Sections 323, 34 and 506 IPC (Section 307 IPC added later on) at Police Station Sadar Jhajjar, district Jhajjar.

The case of the prosecution is that on 25.06.2019, at about 6:30 am, the petitioner and his mother attacked the complainant party. The petitioner is alleged to have given a lathi blow on the complainant's right shoulder and on the head of the complainant's nephew-Sahil whereas the petitioner's mother namely Banita is alleged to have given lathi blows on the foot of the complainant's mother.

On the basis of above incident FIR under Sections 323/325/506 IPC was lodged in which the petitioner was arrested on 25.06.2019 and granted bail on 26.06.2019. Thereafter challan was filed by the police and the Trial Court charged the petitioner and his mother under Sections 323/325/506 IPC.

On 13.07.2020, on the strength of a fresh medical opinion, the prosecution moved an application for charging the petitioner under Section 307 IPC and cancelling the bail granted to him. Since the petitioner did not appear before the Trial Court his bail was cancelled. He immediately approached the

Trial Court for grant of anticipatory bail which petition of his was dismissed giving a cause to him to file the present petition before this Court.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; earlier the Trial Court had applied its mind and charged the petitioner under Section 323/325/506 IPC; the petitioner had never misused the concession of bail granted to him; on 13.07.2020 the petitioner was present in the Trial Court premises but could not appear in the Court due to situation of COVID-19 pandemic; the opinion of the doctor on the basis of which Section 307 IPC was added is after a gap of almost one year; till date supplementary challan has not been presented by the State and under interim order of this Court dated 28.07.2020 the petitioner has not only appeared before the Trial Court and submitted his bail bonds but the same have also been accepted.

Learned State counsel opposed the grant of bail on the ground that the petitioner caused injury to Sahil which has been declared to be dangerous to life.

After considering the totality of the above facts, this Court is of the considered opinion that at this stage to put the petitioner behind bars would serve no useful purpose and consequently the order of this Court dated 28.07.2020 in pursuance of which the petitioner surrendered before the Trial Court and furnished bail bonds which were accepted by the Trial Court is ordered to be made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

07.10.2020
shamsher

[DEEPAK SIBAL]
JUDGE

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