

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM No. M-20642-2020

Date of Decision : 07.10.2020

SHIVA

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Manish Soni, Advocate for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Mr. Dharamvir Sharma, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 147 dated 11.05.2020, under Sections 323, 325, 452, 506 read with Section 34 IPC (deleted) and Section 307 IPC (added later on), registered at Police Station Kherki Daula, District Gurugram.

Learned counsel for the petitioner argues that the complainant is the father of the petitioner and the allegations are of inflicting injuries by the petitioner is upon his own mother. Learned counsel for the petitioner submits that the complainant as well as mother of the petitioner had given an affidavit that the petitioner had not inflicted injuries and the mother suffered injuries on her own as she fell down on a wet floor while washing

utensils. Learned counsel further submits that the challan has already been presented and the charges have also been framed and, therefore, keeping in view the affidavit of the complainant as well as the mother, who allegedly received injuries at the hands of the petitioner, no useful purpose will be served in keeping the petitioner behind the bars.

Learned State counsel submits that the challan was presented after due enquiry and even the charges have been framed and injured is yet to be examined and, therefore, the petitioner be not granted the benefit of bail. She further plead ignorance about the affidavit, which the complainant and the victim has submitted, copy of which has been attached alongwith the present petition.

Mr. Dharamvir Sharma, Advocate appears on behalf of the complainant and the victim. Learned counsel support the affidavit, according to which, the victim received the injuries on her own after she fell down on a wet floor while washing utensils. Learned counsel for the complainant and the victim does not oppose the plea of the petitioner for the grant of regular bail.

Keeping in view the facts and circumstances recorded above and as the challan has already been presented and the charges have been framed and further, prima-facie, the compromise has been effected between the parties and the allegations alleged against the petitioner are yet to be proved, petitioner is granted the benefit of regular bail.

The petitioner be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner as the challan has already been presented and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 07, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No