

Sr. No.213

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

**CRM-M-20701 of 2020 (O&M)
DATE OF DECISION : 03.09.2020**

Neeraj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. D.K. Tuteja, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 205 dated 20.03.2020, registered under Sections 307, 323, 324 and 506 read with Section 34 IPC, Police Station Shivaji Colony, Rohtak.

2. Per FIR, on 19.03.2020 petitioner along with co-accused Lalit caught hold of complainant-injured Mohit. Co-accused Monu then inflicted injury on him. Initially, FIR was registered under Sections 323, 324 and 506 read with Section 34 IPC. Later, however, section 307 IPC was also added. During investigation, it transpired that in fact instead of Monu, his brother Deepak had inflicted injury on the complainant.

3. Learned counsel for the petitioner submits that no injury, attracting rigors of Section 307 IPC, under any circumstance, is not attributed to the petitioner. According to him, as per allegations in the FIR

the petitioner and one Lalit only caught hold of the injured. He further submits that Lalit has been granted regular bail by this Court vide an order dated 07.08.2020 passed in CRM-M-19687 of 2020. Petitioner too is entitled to the same relief on the ground of parity. The petitioner is not involved in any other case. According to him, the petitioner is in custody since 13.05.2020; investigation is over and; challan has been filed; but the trial will take long time to conclude on account of pandemic. The Courts are currently working with restrictions and taking up only urgent matters.

3. On the other hand, learned State counsel opposes the bail plea. He, however, admits that injury under Section 307 IPC is not attributed to the petitioner. He does not dispute that petitioner is not involved in any other case and that co-accused has already been released on bail by this Court.

4. The petitioner is in custody since 13.05.2020. Injury under Section 307 IPC is not attributed to the petitioner. His co-accused Lalit has already been granted bail. On the ground of parity alone, the petitioner is entitled to be released on bail. That apart, investigation is over and commencement of trial is still awaited. In the current pandemic scenario, the trial of the case is not likely to either start or get over soon.

5. Taking wholesome view of the matter, but without expressing any opinion on the merits of the case, the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

6. Petition stands allowed accordingly.

(ARUN MONGA)
JUDGE

September 03, 2020
Jiten

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