

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

Criminal Misc. No.M- 21760 of 2020

Date of Decision: September 14 , 2020.

Gurmeet @ Jaggu and another

..... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Priyavrat Parashar, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioners seek bail pending trial in FIR No.478 dated 25.10.2019, under Sections 148/149/323/427/307 IPC and Section 3 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Civil Lines, Kaithal, Haryana.

Learned counsel for the petitioners submits that petitioner No.1 – Gurmeet @ Jaggu is similarly placed as the co-accused Sushil @ Sili, who has been afforded the bail pending trial on 16.07.2020 in CRM No.M-16993 of 2020. It is further contended that in view of the medico legal report of injured – Amandeep, it is debatable whether the rigours of Section 307 IPC are attracted in this case. It is argued that the injuries are stated to have been inflicted with Gandasi, whereas, the alleged injuries are reflected to be caused with blunt weapon. It is further submitted that no injury has been attributed to petitioner

No.2 – Deepak. Petitioner No.1 – Gurmeet @ Jaggu is stated to be in custody since 30.10.2019 and petitioner No.2 – Deepak since 04.01.2020. The petitioners undertake not to misuse the concession of bail, if afforded to them. It is thus prayed that this petition be allowed.

Heard.

Learned counsel for the State raised an objection that the petitioners are involved in the other cases as well. However, it is not denied that the co-accused, Sushil @ Sili was also involved in three cases and he has been afforded bail pending trial, by a coordinate Bench on 16.07.2020, in CRM No.M-16993 of 2020. Learned counsel for the state is unable to distinguish the case of the petitioners from that of Sushil@ Sili, for denial of bail to them.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Challan/final report under Section 173 Cr.P.C. stands presented. Trial in this case is not likely to conclude in the near future, especially in view of the peculiar situation which has arisen due to outbreak of the pandemic, COVID-19.

Keeping in view the facts and circumstances of the case, but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioners be released on bail pending trial subject to their furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate concerned.

It is made clear that the petitioners shall not directly or indirectly try to contact the complainant or witnesses in this case. Any such infraction on the part of the petitioners may entail cancellation of their bail.

September 14, 2020.
'om'

**(LISA GILL)
JUDGE**

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