

Sr. No.206

**I N THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-22377 of 2020 (O&M)
DATE OF DECISION : 10.09.2020**

Hardev Singh Cheema

...Petitioner

Versus

U.T. Chandigarh

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. A.P. Kaushal, Advocate,
for the petitioner.

Mr. Rajiv Sharma, APP U.T. Chandigarh

Mr. Om Pal Sharma, Advocate
For the complainant.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 257 dated 28.08.2018, registered under Sections 323, 324, 307, 354-D, 326 read with Section 34 IPC, at Police Station Industrial Area, Chandigarh

2. Aforesaid FIR was registered on the allegations of Munish Soni complaining that petitioner/accused, a neighbourhood young man, used to chase his daughter. Misconduct of the petitioner was brought to the notice of his father, but to no avail. On the night of 27.08.2018, allegedly, the petitioner armed with sword came to his house along with his accomplice. When complainant's wife opened the door, the petitioner, with an intention to kill her, gave a sword blow on her head. When he along with his son

rushed to save his wife, accomplice of petitioner exhorted him to assault them too. Petitioner then gave a sword blow to the complainant. The accomplice of the petitioner later fled from the spot, but petitioner was nabbed by neighbours and handed him over to the police. The petitioner was arrested on 28.08.2018 and is in custody since then.

2. Learned counsel for the petitioner refers to call details and entry in hotel records, Annexures P-3 and P-5, respectively. He submits that daughter of the complainant was in love with petitioner, which was not acceptable to her family members. According to him, as per MLR of injured i.e. wife of complainant, Annexure P-6, her head injury was though declared grievous in nature, but there is no material on record to show that same was dangerous to life, attracting Section 307 IPC. He relies on MLR of the petitioner, Annexure P-7 in support of his contention that, in fact, the petitioner was brutally assaulted by the complainant and his family members. The petitioner received 30 stitches on his head. Yet, the police did not take any action qua the same. In the premise, on a complaint filed by father of the petitioner, a case was later ordered to be registered by Court exercising powers under Section 156(3) Cr.P.C. However, due to influence of the complainant, cancellation report was submitted by the police. According to him, co-accused are on bail. He further submits that the petitioner is in custody for the last more than two years and trial will take long time to conclude.

3. Learned State counsel assisted by learned counsel for the complainant, on the other hand, opposes the bail plea. On a query of Court about the injuries suffered by the petitioner, they submit that crowd had gathered at the spot and the petitioner was nabbed by them. They may have

assaulted the petitioner. According to them, taking into account the gravity of the offence and seriousness of the injury caused by the petitioner, he cannot seek parity with co-accused who were merely attributed exhortation. The petitioner does not, therefore, deserve concession of bail.

4. The petitioner is in custody since 28.08.2018. The submissions made by learned counsel for the parties are though matter of trial, but at this juncture, I am of the opinion that no useful purpose would be served by keeping petitioner in custody any more. That apart, investigation is over and trial is not likely to conclude anytime soon in view of current pandemic scenario. The Courts are currently working with restrictions due to Covid-19 pandemic and are taking up only urgent matters.

5. Taking wholesome view of the matter and 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.

September 10, 2020
Jiten

(ARUN MONGA)
JUDGE

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