

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

CRM-M-22350-2020 (O&M)

Date of Decision: 30.10.2020

Nawab

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. M.D. Khan, Advocate for petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. G.C. Shahpuri, Advocate for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.0081 dated 17.05.2020 registered under Sections 323, 324, 341, 365, 379-B and 34 IPC, 1860 at Police Station Partap Nagar, District Yamuna Nagar. The petitioner is in custody since his arrest on 19.05.2020.

The FIR was registered on the basis of complaint given by Julfan and the allegations as noticed by the Id. Addl. Sessions Judge, (Fast Track Special Court under POCSO Act), Yamuna Nagar at Jagadhri in the order dated 29.07.2020 are as under:

“Briefly, the case set up by the prosecution is that, on 16.5.2020, a rukka alongwith MLR was received regarding admission of Julfan son of Ilmudeen in CHC, Partap Nagar. On receiving this information, SI Vijay Kumar alongwith police party reached there, where they could not find the injured. Later on, they made inquiries at the house of injured as well as in the village but he could not be traced. On 17.5.2020, the injured came to the Police Station and gave his statement to the effect that he is a Contractor by profession. Yesterday, on 16.5.2020 he was going on his motorcycle to his house. At around 4.30 p.m. when he reached near Govt. Tube-well of village Bombaypur, then Farmeen, Nawab and Amjad were already standing there on the way and stopped him.

Then, all the accused caused injuries on different parts of his body on the pretext that he has tried to stop them from entering in their village during lock-down. Due to the injuries, he lost consciousness. Later on, when he regained consciousness, he found himself in the house of Nawab. At that time, his mother, grand-father, one Islam and Akram came there, who rescued him with much difficulty. Later on, he was got admitted at CHC, Partap Nagar. During the incident, his Samsung mobile phone A20 having Sim Nos. 9050657100 and 938000087 and Rs. 40,000/- in cash were also taken by the accused. On the basis of this statement, First Information Report under sections 323,324,341,365,379-B,34 IPC was registered.”

Learned counsel for the petitioner contends that though the petitioner is named in the FIR, but he has been attributed only a brick blow. It is further contended that the injuries allegedly suffered by the victim are simple in nature and, therefore, the further custody of the petitioner may not be necessary as the investigation of the case is complete. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, the prayer is opposed by learned State counsel assisted by ASI Subhash Chand as well as the learned counsel for the complainant. It is contended that the petitioner was present at the place of occurrence and had thrown a stone on the face of the complainant. Learned counsel for the complainant has further pointed out that the mobile of the victim was also recovered from the petitioner. Learned State counsel has pointed out that the final report stands filed, however, the charges are yet to be framed.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the final report has been filed. It is apparent that the trial is progressing at a slow pace. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the

petitioner is presently confined in judicial custody since 19.05.2020 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Yamuna Nagar at Jagadhri.

The petition is allowed.

30.10.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No