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

CRM-M No.22662 of 2020(O&M)

Date of Decision: 09.10.2020

Sahoon

.....Petitioner

Vs

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Ms. Rosi, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.213 dated 14.06.2019 registered under Sections 147, 148, 323, 302, 506 IPC at Police Station Punhana, District Nuh.

At the very outset, learned counsel for the petitioner submitted that due to some unavoidable circumstances, some typographical error crept in the translated copy of the FIR. Learned counsel for the petitioner co-related the translated copy of FIR with that of original vernacular version of the FIR.

As per prosecution case, the occurrence took place on 14.06.2019 at 11 AM when the complainant and his son Mubark were present in the fields. They were inflicted injuries by the accused party comprising of Juber, petitioner and Sahib @ Sahid and others. In the occurrence, son of the complainant

namely Mubark died. As per postmortem report, 8 injuries were found on the person of Mubark. Total 9 accused were named in the aforesaid occurrence. Six accused were found to be innocent by the police. Challan was presented against Juber, Sahib @ Sahid and the petitioner. Sahib @ Sahid was found to be a juvenile in conflict with law. He had inflicted a blow with cemented tile/residual block on the neck of Mubark. He was granted bail by the Special Judge, Children Court, Mewat vide order dated 23.01.2020. Petitioner was attributed a *danda* blow on the leg of the deceased. Main accused Juber was attributed a brick-bat injury on the head of Mubark. The cause of death as per postmortem report was the head injury and complications which were found to be sufficient to cause death in ordinary course of nature. All the injuries were anti-mortem in nature.

Learned counsel for the petitioner submitted that except three injuries attributed to Juber, Sahib and the petitioner, remaining five injuries were attributed to the other accused who have been found to be innocent.

Learned counsel further contended that injury attributed to the petitioner would remain debatable being non-specific. Petitioner is in custody since 25.06.2019. Charges were framed on 04.09.2019, but no prosecution witness has been examined so far.

Learned State counsel on instructions from SI Hemraj opposed the bail, but has admitted the aforesaid factual position. After filing of the challan, charges were framed on 04.09.2019 and no prosecution witness has been examined so far. Juvenile in conflict with law namely Sahib @ Sahid has been granted bail by the Special Judge, Children Court, Mewat on 23.01.2020.

The case of the prosecution would remain debatable.

Keeping in view the custody of the petitioner, situation arising out of pandemic Covid-19 and without adverting to the merits of the case, it would be just and expedient to grant benefit of regular bail to the petitioner.

Let the petitioner be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Nothing expressed hereinabove shall be construed to be an expression of any opinion on merits of the case.

09.10.2020

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No