

Sr. No. 207

**I N T H E H I G H C O U R T O F P U N J A B A N D H A R Y A N A A T
C H A N D I G A R H**

CRM-M-23014 of 2020 (O&M)

DATE OF DECISION : 16.09.2020

Aslam

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. V.K. Gupta, 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. 115 dated 04.03.2020, registered under Sections 323, 324, 452, 506, 307 read with Section 120-B IPC, Police Station Sadar, Ambala.

2. Per FIR, on 04.03.2020 in the night the petitioner entered the house of complainant and assaulted him with a knife which he was carrying. While leaving, petitioner extended threat to the complainant to eliminate him. Per complainant, motive behind the occurrence was that petitioner kept an evil eye on his wife and the complainant stopped him from visiting his house. The petitioner was arrested on 04.03.2020. During investigation, it revealed that petitioner assaulted the complainant on the asking of wife of the complainant and she was also implicated in the case.

2. Learned counsel submits that there is no injury on the complainant which would attract rigors of Section 307 IPC. According to him, the allegations against him, at worst, are only of causing simple injuries. According to him, the petitioner is not involved in any other case

and investigation of the case is over and challan has been filed, but charges are yet to frame and there is no headway in the proceedings due to Covid-19 pandemic and trial will take long time to conclude.

3. Learned State counsel, on the other hand, opposes the bail plea. On a query of Court, he submits that in terms of order dated 25.08.2020, medical report was sought and per the opinion of the Physician, injuries inflicted on the victim allegedly attributed to the petitioner are simple in nature. He admits that investigation is over and challan has been filed, but there is no headway in the trial due to Covid-19 pandemic. He admits that petitioner is not having criminal background.

4. The petitioner is in custody since 04.03.2020. The allegations against the petitioner have to be adjudicated after the trial. At this juncture, I am of the opinion that no useful purpose would be served by keeping petitioner in custody any more, especially when investigation is over and trial is not likely to commence or 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.

(ARUN MONGA)
JUDGE

September 16, 2020
Jiten

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