

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

CRM-M-23262 of 2020(O&M)

Date of Decision: 19.08.2020

Bansi Dhar @ Bansi
Versus

Petitioner.

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. K.L.Saini, Advocate
for the petitioner.

Mr. Anmol Malik, DAG., Haryana.

Mr. Som Nath Saini, Advocate
for the complainant.

LISA GILL, J.

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

Petitioner, seeks the concession of bail pending trial in FIR No.282, dated 27.08.2019, under Sections 147, 148, 149, 216, 323, 427, 307, 120-B IPC and Section 25 of the Arms Act, 1959, registered at Police Station Civil Lines, Bhiwani, District Bhiwani.

It is submitted that the abovesaid FIR has been registered due to certain misunderstandings, which arose between the parties. The petitioner, it is submitted, was not even present at the time of the alleged occurrence and is not at fault in any manner. The petitioner, who is stated to be 21 years old, is in custody since 06.09.2019. Challan stands presented. It is further stated that even if the version in the FIR is accepted, though specifically denied, it is debatable whether the single injury in question would attract the rigours of Section 307 IPC. It is thus prayed that the present petition be allowed.

Learned counsel for the complainant specifically states that there were some misunderstandings, which led to the petitioner being named as an accused in the FIR and that the injured-complainant has no objection, in case, this petition is allowed, though learned counsel for the respondent-State, on instructions from ASI Anil Kumar submits that the bullet in question, first hit the rear view mirror of the vehicle and after bouncing of, hit the side of the injured, through the seat. It is verified that the final report under Section 173 Cr.P.C., stands presented.

Due to the outbreak of pandemic-COVID-19, not much progress is being made in the trial. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above and the specific stand taken by the complainant, at this stage, but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Bansi Dhar @ Bansi, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

19.08.2020
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.