

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

CRM-M-23496-2020

Date of Decision: 29.09.2020

WARIS

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Munfaid Khan, 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. 188 dated 20.04.2020,
registered under Sections 148, 149, 188, 323, 234, 325, 326,
285, 506 IPC and Sections 25, 54, 59 of Arms Act, 1959 at Police
Station Sadar Nuh, District Nuh.

Learned counsel for the petitioner submits that it is a
case of version and cross version. Cross FIR No. 226 dated
15.05.2020 under Sections 148, 149, 323, 324, 188, 427, 506
IPC at Police station Nuh, District Nuh has been registered

against the complainant party. As per MLR of father of the petitioner namely Juhru Deen one incised injury was found on his left ear which is in the nature of cut on the ear. As per MLR of Jamil, injury No. 1 was found to be grievous in nature which is incised wound of 1cm X .5 cms on the base of nose. The petitioner is in custody since 07.04.2020 and the offence is triable by Magistrate. The petitioner is alleged to have given *danda* blow on the face towards right side of the complainant.

Actual details of the case have been admitted by learned State counsel, on instructions from ASI Sant Lal. However, learned State counsel states that injury No. 1 on the person of Jamil is found to be grievous in nature attracting culpability in terms of offence under Section 326 IPC.

Having heard learned counsel for the parties, I found that it is a case of cross FIRs. The complicity of the petitioner would be debatable and would be subject to the nature of evidence to be led by the parties during trial. The offence is trial by Magistrate. Petitioner is in custody since 07.04.2020. Challan has not been presented so far. But the petitioner is in judicial custody.

In view of the aforesaid position, without adverting to the merits of the case and in view of the situation arising out of COVID-19 pandemic, I am of the view that petitioner can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

29.09.2020
shabha

(RAJ MOHAN SINGH)
JUDGE

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