

CRM-M-23954-2020

Date of decision: 24.08.2020

Jai Singh and others

....Petitioners

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Anuj Balian, Advocate
for the petitioners.**FATEH DEEP SINGH, J.(ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to the official respondent-State.

Mr. B.S. Virk, DAG, Haryana puts in appearance and accepts notice on behalf of the official respondent-State. Copy of the paper book be supplied.

Mr. Rajeev Sharma, Advocate puts in appearance on his own on behalf of the complainant.

The accused/petitioners-Jai Singh, Sher Singh, Jai Singh @ Vakil, Karam Chand and Shiv Ram have sought this first anticipatory bail application under Section 438 Cr.P.C. in a case bearing FIR No.77 dated 30.07.2020 under Sections 148, 149, 323, 452 and 506 of the Indian Penal Code registered at Police Station Raipurani, Panchkula.

The allegations in brief levelled by the complainant-Tek Chand against the petitioners are that on 29.07.2020 at around 10:15 PM while he was present in his house along with his family members, the accused trespassed and caused him injuries after ransacking the house. The single injury is attributed to Karam Chand by means of brick on the head of the complainant, opined to be simple in nature.

Learned counsel for the petitioners argued that it is a simple quarrel between the two sides, in which, simple injuries have been given and, therefore, nothing is to be recovered from the petitioners. Non-applicant/co-accused-Parmal has given a plastic pipe blow on the head of the complainant, whereas, his co-accused-Karam Chand has given a brick blow on the chest of the complainant and both the injuries are found to be simple in nature.

The learned State counsel assisted by counsel for the complainant has not displaced the facts and fairly concedes that CT Scan of the injuries is shown to be simple in nature but has opposed the grant of bail to the petitioners.

Learned counsel for the petitioners submitted that only simple injuries are attributed to the accused and one of them has already been allowed bail by the lower Court and that nothing is to be recovered from the petitioners, who are alleged to be empty handed.

Going through the submissions, admittedly, only simple injuries are attributed to the accused/petitioners and that their joining investigation would suffice the purpose and it would be travesty of justice to send the petitioners behind the bars.

Keeping in view the situation of COVID-19 pandemic, this Court deems it imperative to allow the present petition. Accordingly, the petitioners are directed to appear before the investigating officer/Magistrate within a period of 15 days from the date of receipt of certified copy of this order and on their doing so, they shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioners shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, they will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed off accordingly.

24.08.2020

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No