

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24114-2020 (O&M)

Date of Decision: 28.08.2020

Vishal Singh @ Vikesh

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Ms. Vijay Lakshmi, Advocate for the petitioner

Mr. Rajiv Goel, DAG Haryana

Mr. Rakesh Bakshi, Advocate for the complainant

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

Petitioner-Vishal Singh @ Vikesh who is stated to be aged 24 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.37 dated 16.01.2020, under Sections 148, 149, 323, 324, 325, 326, 379, 452, 506 IPC and 307 IPC (added later on), registered at Police Station City Jagadhri, District Yamuna Nagar.

Learned counsel for the petitioner based on pleadings submits that in fact the present FIR is on account of previous rivalry to settle the score. The petitioner is in custody since 21.03.2020. Charges in this case are yet to be framed. Learned counsel then submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail is dangerous to his life. Therefore, petitioner is entitled for regular bail. Counsel further submits that vide order dated 01.07.2020 passed in **CRM-M-14484-2020 (Raj Kumar @**

Kalu vs. State of Haryana) the co-accused has been granted bail by this Court.

Learned counsel for the petitioner submits that the only role attributed to the petitioner is that he gave blows with iron rod on the leg, arms and other parts of the body of the injured.

Learned counsel for the complainant has vehemently opposed the bail. He submits that both legs of the injured are damaged and he is undergoing treatment since the date of incident and has been advised operation for which he has to incur Rs.17 lakhs. Till now, the injured has already deposited Rs.1.5 lakhs for operation in advance.

Learned State counsel though is not able to deny the facts but he opposes the prayer for bail on merits. He submits that in the present case, the challan has been presented on 03.04.2020. There are a total of 15 witnesses but none have been examined till date.

Learned counsel for the complainant submits that the petitioner cannot rely upon the order of bail dated 01.07.2020 (cited supra) as the attribution to the petitioner is on the higher side.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petitioner is directed to deposit Rs.1 lakh with the Duty Magistrate/Trial Court concerned which may further be disbursed to the

injured as medical expenses. The same shall be without prejudice to the defence of the petitioner before the trial Court.

The petition stands disposed of accordingly.

28.08.2020
vishal shonkar

(Girish Agnihotri)
Judge

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| <i>1. Whether speaking/reasoned?</i> | Yes/No |
| <i>2. Whether reportable?</i> | <i>Yes/No</i> |