

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

(205)

CRM-M-23969-2020

Date of Decision : 31.08.2020

Sachin @ Sukha

....Petitioner

Versus

State of Haryana

.....Respondents

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashok Kumar Sharma (Bhana), Advocate
for the petitioner.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 329, dated 28.12.2019, registered under Sections 323, 34, 341, 506, 147, 149, 212, 325 and 307 of IPC (Sections 147, 149, 212, 325 and 307 added later on) at Police Station Uchana, District Jind.

Learned counsel for the petitioner argues that the petitioner has only been attributed a simple injury with *danda* on the legs of the victim and the main injury due to which, Section 307 IPC has been added, has been attributed to the main accused, namely, Angrej Valmiki. Learned counsel for the petitioner submits that the challan has already been presented and the *danda* has already been recovered and, therefore, no useful purpose would be served by keeping the petitioner behind the bars as petitioner undertakes not to interfere in the trial in any manner.

Notice of motion.

Ms. Safia Gupta, learned Assistant Advocate General, Haryana, who has also joined the proceedings through video conference, keeping in

view the service of advance copy of petition, accepts notice on behalf of

respondent-State. Learned State counsel states that the parity, which the petitioner is claiming in respect of the other co-accused, Sandeep, who has been granted the benefit of bail by this Court, is not available to him as Sandeep was not attributed any injury whereas, the petitioner has been attributed a *danda* injury. Learned State counsel concedes that the said injury is simple in nature.

I have heard learned counsel for the parties and have gone through the record very carefully.

Once, it is conceded that the injury attributed to the petitioner is by *danda* and the said injury is simple and the grievous injury due to which, Section 307 IPC has been attracted, is attributed to other co-accused, namely, Angrej Valmiki and the petitioner is already behind the bars since 21.02.2020 and the challan has already been presented, he has made out a case for the grant of regular bail.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

The petitioner has already undertaken that he will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 31, 2020

kanchan/naresh.k

(HARSIMRAN SINGH SETHI)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No