

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

206-3

**CRM-M No.24284 of 2020 O&M)
Date of decision:10.09.2020**

Rakesh Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.S.Bains, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Chandan Gulati, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-22403-2020

Prayer in the application is for placing on record the amended petition as Section 427 IPC was not mentioned in the original petition, but while presenting the final report, the prosecution has added Section 427 IPC

Notice of the application.

On the asking of the Court, Mr. Rajiv Sidhu, DAG, Haryana,

who is present through video conferencing, assisted by Mr. Chandan Gulati, Advocate for the complainant, accept notice of the application. Application is allowed.

Amended petition is taken on record.

Main case

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.0202, dated 28.06.2020 registered under Sections 323/34/379-B/506 of IPC and (427 added later on) at Police Station Chandi Mandir, District Panchkula, Haryana (Annexure P-1/T).

Mr.R.S.Bains, learned counsel appearing for the petitioner, has submitted that the petitioner is a Government servant and is employed as an Upper Division Clerk in Punjab State Power Corporation. He submits that the petitioner has been falsely implicated in the present FIR. Mr. Bains submits that, in any case, allegedly after a verbal feud, the petitioner as well the other co-accused gave fist blows which have resulted in injuries, which are simple in nature. He has referred to the MLR, Annexure P-3 in support of this fact. Still further, he has taken the Court through the order dated 29.06.2020, Annexure P-2, passed by the Judicial Magistrate Ist Class, Panchkula whereby the Court has commented adversely on the conduct of the Investigating Officer. He submits that the petitioner is behind bars since 28.06.2020 and may be enlarged on bail subject to any condition as this Court deems appropriate.

Per contra, State counsel, assisted by Mr. Chandan Gulati, counsel for the complainant, upon instructions from ASI Maan Singh, submits that not only fist blows but allegation regarding use of knuckle punch and snatching of chains has also been levelled against the accused. According to him, the accused tried to snatch the key of the car and even broke the mirror by throwing stones. As per his instructions, challan has been filed on 28.08.2020 and the next date before the trial Court is 21.09.2020.

I have considered the rival submissions of the parties.

Keeping in view period of incarceration of the petitioner and the nature of injuries allegedly sustained by the complainant and the fact that the conclusion of the trial is likely to take time, no useful purpose would be served by keeping the petitioner in further detention. Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Henceforth, in case, the petitioner is found to be involved in any criminal activity, it will be open to the prosecution to seek cancellation of his bail.

10.09.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No