

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

CRM-M-24708 of 2020 (O&M)

Date of Decision: 11.09.2020

Nanak Chand @ Bunty

..Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rishab Gupta, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is second bail application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.52 dated 17.04.2020 under Sections 307, 326 324, 325, 341, 148, 149, 120-B IPC registered at Police Station Sadar, District Hoshiarpur.

Learned counsel for the petitioner submits that alleged occurrence took place on 12.4.2020, whereas FIR was registered on 17.4.2020 and there is an unexplained delay of five days in lodging the same. The role attributed to the petitioner is that he inflicted two blows, as a result of which the middle finger of left hand of complainant was chopped off.

He further submits that co-accused has been granted benefit of regular bail by a Coordinate Bench of this Court passed in CRM-M-13667 of 2020 dated 28.08.2020 and petitioner is also entitled to grant of regular bail on the ground of parity itself.

Learned counsel also submits that the petitioner has been in custody since 17.4.2020 and challan has been presented. According to him,

especially in the pandemic scenario, there is no likelihood of trial being concluded in time.

On the other hand, learned State counsel opposes the bail plea and submits that the injury attributed to the petitioner falls within the ambit of Section 326 IPC. However, he does not dispute the custody period and that there is not much progress in the trial.

In the present case, the allegations against the petitioner are that he along with other co-accused attacked the complainant with the deadly weapons. It is not disputed that the injury attributed to the petitioner falls within the ambit of Section 326 IPC. Since co-accused has already been granted benefit of regular bail, petitioner is also entitled to bail on the ground of parity.

That apart, petitioner has been in custody since 17.4.2020 and challan has been presented. There is no headway in the trial and is not likely to commence or conclude anytime soon due to covid-19 pandemic. Courts are currently working with restrictions and taking up only urgent matters. Considering the overall scenario, without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(ARUN MONGA)
JUDGE

SEPTEMBER 11, 2020
vandana

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