

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26020-2020

DATE OF DECISION: NOVEMBER 3, 2020

DEEPAK @ HAWALDAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. JITENDER DHANDA, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Deepak @ Halwadar has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 45 dated 28.2.2020, under Section 148, 149, 307, 323, 324, 326, 341, 506 IPC, P.S. Uklana, District Hisar. The petitioner is in custody since his arrest on

The allegations contained in the FIR as noticed by the the Addl. Sessions Judge, Hisar in his order dated 21.7.2020, are as under:-

“Per allegations, on 28.2.2020, complainant Manjeeet stated that he is a milk vendor. On 27.2.2020, he was going to deliver the milk in routine. At about 7.30 p.m., when he reached at the backside of Marble Kothi near the house of Lokesh Mahajan, Deepak alias Holdar ad Johan Balmiki and ten other persons on their motorcycle encircled him. Deepak alias Holar, who was armed with gandasi, gave a blow upon his left little finger which was cut. John Balmiki was also having a gandasi in his hand He hit on his neck. Thereafter, he fell down. Thereafter,

all the assailants started beating him with sticks. Accused Deepak alias Holdar and John Balmiki extended threat to finish Manjeet. On this, he raised alarm and on hearing his cries, many persons gathered there and save him from the clutches of accused. Thereafter, all the accused persons ran away from there with their respective weapons while saying that today he had been saved but he will be finished next time. He further stated that the motive behind causing injuries upon him was that about one and half year ago, a quarrel took place between him and Deepak alias Holdar and Johan but that matter was compromised on that very day. He informed his brother through a passer-by and after arrival of his brother he was shifted to the hospital.”

Learned counsel for the petitioner contends that the alleged injury inviting the offence punishable under Section 307 IPC was attributed to co-accused John Balmiki and the said accused has already been released on regular bail by the trial Court vide order dated 15.9.2020. He submits that the trial Court is likely to consume considerable time, therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by SI Chandi Ram does not dispute this fact that the accused who had caused the injury punishable under Section 307 IPC has been released on regular bail. He, on instructions, further states that the charges are yet to be framed.

After hearing learned counsel for the parties, this Court finds that the investigation of the case is complete, however, the charges are yet to be framed). It is apparent that the trial is yet to commence. This Court is

cognizant of the fact that the outbreak of global pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody _ and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 3, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No