

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207 - CRM-M-27032-2020
Date of Decision: 23.09.2020

Amit

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Aditya Sanghi, Advocate for the petitioner
Mr. Rajiv Goel, DAG Haryana
Mr. Bipin Ghai, Sr.Advocate with
Mr. Paras Talwar, 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.

The petitioner Amit aged 28 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.649 dated 28.10.2019, under Sections 323, 302, 452, 506, 34 of IPC, registered at Police Station City Narnaul, District Mahendergarh, Haryana.

Learned counsel for the petitioner at the outset submits that the co-accused Kailash Chand and especially co-accused Ajit Kumar (in CRM-M-13280-2020 and CRM-M-16889-2020) have been granted bail vide orders dated 10.06.2020 and 17.08.2020 (P7 & P8, respectively). He submits that the petitioner has been allegedly stated to have similar role as per the FIR as that of Ajit Kumar.

Learned State counsel, on instructions from SI Mahesh Kumar, submits that there are total of 26 witnesses. He then submits that the challan in the present case was presented on 26.03.2020. He further submits that there are three FIRs against the petitioner. On asking of Court, he further submits

that the complainant in the said FIRs, is the complainant/complainant party in the present case also.

Counsel for the petitioner relies on the following paragraphs of the order dated 17.08.2020 passed in case of Ajit Kumar (cited supra):-

“Learned counsel for the petitioner, based on pleadings, submits that the co-accused Kailash Chand, has been granted bail by this Court vide order dated 10.06.2020 passed in 'CRM-M No.13280 of 2020 tilted as Kailash Chand Vs.State of Haryana'. Learned counsel however submits that as noticed in the order dated 10.06.2020, co-accused Kailash Chand was alleged to have given blow of Lath on the hand of the complainant. Learned counsel further makes submissions on merits, but, it is just and appropriate to record that the role attributed to the petitioner is that Ajit gave a blow of Lath on head of mother of the complainant. Learned counsel then makes reference to postmortem report of the deceased, to submit that only first and second injuries were on the head.

On the other hand, learned counsel for the complainant, submits that the accused is not entitled to the concession of bail, because of the postmortem report, which itself shows that there were two injuries and as per the allegations in the FIR, second injury is attributed to the petitioner. He further makes reference to subsequent para of the FIR, where it is alleged that a few days ago, these people had beaten up the brother-Raj, father of the complainant and had also broken the leg of the complainant, in which the FIR has been registered.”

Learned counsel for the petitioner submits that he has instructions from the petitioner and his family members to submit that the petitioner shall deposit the amount of Rs.3 lakhs within one month from the date of release which can be disbursed to 3 injured persons towards their medical expenses. However, the same is to show the bona fides and is

Learned counsel for the petitioner then submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct 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.

Keeping in view 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. Accepting the offer made by counsel for the petitioner, in addition to the bail bonds, the petitioner shall deposit Rs.3 lacs within one month from the date of his release, which shall be disbursed equally to three injured persons towards their medical expenses, as mentioned in the FIR. It is also made clear that in case, the petitioner is subsequently found involved in any other case, the prosecution is at liberty to move an application for cancellation of bail.

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

The petition stands disposed of accordingly.

23.09.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No