

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

207

CRM-M No.27970 of 2020

Date of Decision: September 18th, 2020

Vishal alias Gurukul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail in FIR No.152 dated 22.11.2019 registered under Sections 323, 34, 341 and 506 IPC (Section 307 IPC added later on) at Police Station Bond Kalan, District Charkhi Dadri.

It is the contention of learned counsel for the petitioner that the allegations against the petitioner are not specific with regard to the injuries, which have been found on the person of the three injured. What has been attributed specifically to the petitioner is that he had told others that we should all beat the three injured. He states that the complainant is said to have covered his brother by lying on him to save his life thus, the injuries, if any, can be said to have been caused by the petitioner to the said complainant-Puneet. The injury, which has been found to be dangerous to life, is to Amit and no injury is attributed to the petitioner as far as Amit is concerned. He, thus, contends that the petitioner being in custody since 29.02.2020 i.e. almost 7 months, the petitioner be granted the concession of bail, especially when the trial is not proceeding and none of the witnesses has been examined till date out of the 16 cited witnesses.

the present case, there are three other cases registered against the petitioner, where he is facing trial. He is a person of criminal inclination and, therefore, should not be granted the concession of bail. The injury, which has been found on the person of Amit has been declared to be dangerous to life by the doctor and, therefore, the petitioner does not deserve the concession of bail. The other factual aspects, as have been pointed out by the counsel for the petitioner, could not specifically be rebutted by the counsel for the State.

I have considered the submissions made by the counsel for the parties and keeping in view the allegations in the FIR, with the role attributed to the petitioner, with dangerous injury having been found on the person of Amit, which has not been pointed out or said to have been caused by the petitioner, the concession of bail, as prayed for, is granted to him in the light of the fact that he is in custody for almost seven months with none of the 16 prosecution witnesses having been examined and the trial not proceeding because of the prevailing circumstances. It may be added here that the order dated 01.07.2020 passed by learned Additional Sessions Judge, Charkhi Dadri, does not indicate the provisions under which the three criminal cases have been registered.

The present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Charkhi Dadri.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

September 18th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No