

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29139-2020

DATE OF DECISION: SEPTEMBER 28, 2020

SHUBHAM KUMAR @ PRINCE

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. A.K. KHUBBAR, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.213 dated 17.12.2019 under Section 323, 325, 341, 506, 34 IPC (Section 326 IPC added later on), Police Station Babain, District Kurukshetra. The petitioner is in custody since his arrest on 6.2.2020.

The above FIR was registered on 17.12.2019 on the statement of Naibo wife of late Shri Tej Pal, wherein it was alleged that she had two sons, namely, Surender and Sanjeev who was doing labour work. On 16.12.2019 at about 6.30 p.m., when her son Sanjeev went to BC Chopal, Mangu @ Manjit son of Ramesh Kumar, Prince @ Shubham son of Deep Chand and Rajat son of Shyam Lal, resident of Village Gudha, were already present there. They caught hold her son Sanjeev in the courtyard (Baramada) of said chopal and Prince gave an iron rod blow on the head of her son Sanjeev, whereas Mangu @ Manjit gave iron rod blow on his right leg and

Rajat gave fist blows to him. When her son raised noise '*Mar Diya, Mar Diya*', she reached the Chopal and rescued her son from the the above named accused and while leaving, the accused threatened her son with dire consequences. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the investigation of the case is complete and, therefore, further custody of the petitioner may not be necessary. He has further contended that the co-accused of the petitioner has also been granted regular bail by this Court on 7.9.2020. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by HC Mahinder Pal Singh has opposed the aforesaid prayer on the ground that the petitioner gave an iron rod blow on the head of the victim. However, it is not disputed by him that the offence punishable under Section 326 IPC was added later on and the investigation of the case is complete.

Considering the above background, the custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose.

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/Duty Magistrate concerned.

The petition is allowed.

September 28, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No