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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.31219 of 2020 (O&M)

Date of decision: 06.10.2020

Ashok

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gaurav Arora, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.131 dated 12.07.2019 registered under Sections 307, 506, 328, 148, 149, 323 and 120-B IPC at Police Station Bass, District Hisar.

Counsel for the petitioner has relied upon the order dated 19.06.2020 vide which the co-accused of the petitioner namely Rajbir Singh, who was also declared as proclaimed offender on 13.03.2020, when the petitioner was declared as proclaimed offender, has been granted the concession of anticipatory bail by issuing further direction that the petitioner will surrender before the trial Court and his regular bail application will be considered.

The operative part of the order dated 19.06.2020 passed in CRM-M No.13796 of 2020, reads as under:-

“3. Learned counsel for the petitioner submits that the petitioner is brother-in-law of co-accused Rinku. Rinku’s wife was raped by injured Kapil and the incident is a case of revenge. Kapil is at large and has not been

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arrested so far in an incident which took place on 11.6.2019. Learned counsel argues that the injury on the head of Kapil allegedly caused by petitioner and one Ramesh has not been declared in the MLR “to be dangerous to life which would cause death in normal course”. Although the alleged injury has been declared as “dangerous to life”, but there is no opinion of the doctor that it was sufficient to cause death and therefore, learned counsel would urge that Section 307 of the IPC is not attracted and it could be a case of Section 320 (8) of the IPC which means any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits. Learned counsel submits that Kapil was discharged after 10 days of the injury.

4. Learned counsel for the State submits that the petitioner has been declared proclaimed offender on 13.3.2020.

5. I have heard learned counsel for the parties and gone through the paper-book.

6. Looking to the entire incident and without going into the merits of the case which are matter of investigation and trial, this is a fit case for grant of anticipatory bail. However, since the petitioner has been declared a proclaimed offender, he is directed to surrender before the trial court on 23.6.2020 when his regular bail application will be considered by the trial court and he shall be admitted to bail pending trial to the satisfaction of the trial court.”

Counsel for the petitioner has further submitted that there are 13 accused, out of which some of the accused namely Rajbir Singh, Suraj, Deepak, Chandro Devi, Rajpati, have been granted the concession of anticipatory bail while some of the accused namely Anuj

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@ Anoop, Meenu, Shripal, Usha, Ramesh, Anil, Rinku and Rishi @
Balwan have been released on regular bail.

Notice of motion.

Mr. Sumit Jain, Addl. A.G., Haryana, who is appearing through video conferencing, accepts notice on behalf of the respondent – State and could not dispute the factual position regarding the order passed by this Court *qua* co-accused Rajbir Singh.

Accordingly, this petition is disposed of in the same terms as in CRM-M No.13796 of 2020 and the petitioner is directed to surrender before the trial Court/Illaq Magistrate/Duty Magistrate, on or before 15.10.2020 and when his regular bail application is considered by the said Court, he shall be admitted to bail pending trial, to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

06.10.2020
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No