

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29861-2020

DATE OF DECISION: NOVEMBER 10, 2020

DEEPAK

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. LEKHRAJ NANDAL, ADVOCATE
FOR THE PETITIONER.

MR. SUKHDEEP SINGH PARMAR, DAG, 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.205 dated 20.3.2020, under Section 323, 324, 34, 506 IPC (Section 307 IPC added later on) Police Station Shivaji Colony, Rohtak. The petitioner is in custody since his arrest on 14.5.2020.

The above FIR was registered on the basis of the statement of complainant Mohit, wherein it was stated that on 19.03.2020, he had an exchange of hot words with Lalit, Monu and Neeraj and the villagers intervened and he returned to his shop. Thereafter, in the evening at about 7.00 p.m., Lalit, Monu and Neeraj came to his tea shop and started beating him with kick blows. Lalit and Neeraj caught hold of him and Monu gave blows with poker in his hand. He cried for help and on hearing the same, Amit, his Uncle's son came on the spot and on seeing him, the accused

persons ran away by extending threat to his life. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the name of the petitioner was not mentioned in the initial version by the complainant and the accusation were made against Lalit, Neeraj and Monu. He submits that the on the basis of the supplementary statement of complainant, the petitioner was indicted as an accused and the offence punishable under Section 307 IPC was added subsequently after two months. According to him, the other co-accused have already been released on regular bail and therefore, the petitioner also deserves the concession of bail.

On the other hand, learned counsel for the State assisted by ASI Rakesh has opposed the aforesaid prayer on the ground that the name of accused Monu was mentioned by the complainant by mistake, who is brother of the present petitioner. He submits that in fact the injuries were caused by the petitioner and on the basis of the supplementary statement, no case was made out against said accused Monu. He, on instructions, states that the offence punishable under Section 307 IPC was added on 7.5.2020.

Considering the above background, the custody of the petitioner and the fact that the trial is likely to consume considerable time 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 since 14.5.2020 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 concerned.

The petition is allowed.

November 10, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No