

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

213

CRM-M-30554-2020

Date of decision: 08.10.2020

Virender**.....Petitioner****versus****State of Haryana****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Pratham Sethi, Advocate, for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

*(the aforesaid presence is being recorded through video**conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Virender, stated to be aged 38 years, has filed the present petition under Section 439 Cr. P.C. *inter alia* praying for grant of regular bail in case FIR No.286 dated 20.06.2020, under Sections 148, 149, 307, 323, 506 of IPC (Sections 120-B and 201 IPC were added later on) and Section 25 of Arms Act, 1959, registered at Police Station Sonipat Sadar, District Sonipat.

Learned counsel for the petitioner, at the outset, submits that the father of the petitioner, namely, Tek Chand, has been granted interim bail by this Court vide order dated 20.08.2020 passed in *CRM-M No.23615 of 2020*. Learned counsel, based on pleadings submits that in fact as per the allegations in the FIR, many persons have been named in the FIR. He further submits that the petitioner was arrested on 22.06.2020 and only a

stick was recovered from him. Learned counsel, however, submits that the petitioner has been falsely implicated due to previous enmity.

Learned State counsel, on instructions from SI Rajiv, submits that the investigation is complete, challan has been presented on 16.09.2020. There are total of 22 witnesses but none has been examined till date. He further submits that the injured-Yogesh, remained hospitalised for 10 days i.e. from 20.06.2020 to 30.06.2020. He then submits that there is no other case in which the petitioner has been involved.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is a young man and his wife is expected to deliver a child on 18.10.2020. Learned counsel submits that he has instructions from the petitioner and his family members that in order to show their bona fides, without prejudice to their defence in the trial, they would deposit Rs.1 lakh towards medical expenses with the Trial Court/Duty Magistrate concerned, which may be disbursed to the injured. Learned counsel, however, submit that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail would be dangerous to his life, therefore, petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to release the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that

anything observed herein shall not be construed as an expression on merits of the case.

In addition to the bail/surety bonds, accepting the offer made by counsel for the petitioner, the petitioner would deposit Rs.1 lakh with the Trial Court/Duty Magistrate concerned. The amount so deposited by the petitioner be handed over to the injured towards medical expenses. The same shall be without prejudice to defence of the petitioner before the trial Court.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

08.10.2020.

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No