

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-31836-2020

Date of decision: 15.10.2020

Partap and others

.....Petitioners

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Lekh Raj Sharma, Advocate for the petitioners.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Bhupinder Singh, Advocate for the complainant.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioners-Partap, Darshan and Vikram @ Bittu, stated to be aged 33, 57 & 40 years, respectively, have jointly filed the present petition *inter alia* with a prayer for grant of regular bail in cross case FIR No.133 dated 10.05.2020 (Annexure P-1), registered under Sections 148, 149, 307, 323, 324, 341 & 506 of Indian Penal Code, at Police Station Taraori, District Karnal, Haryana.

Learned counsel for the petitioners, at the outset, submits that vide a detailed order dated 09.09.2020, passed by this Court, in CRM-M-19813-2020, co-accused have been granted bail. Various facts as noticed in the said order are once again relied upon by learned counsel for the petitioners. He submits

that the facts noticed in the said order, be also considered as submissions on behalf of the petitioners in the present case.

On instructions from SI Dalbir Singh, learned State counsel submits that challan in this case has been presented before the Duty Magistrate on 15.08.2020 and the investigation is also complete.

Learned counsel for the complainant vehemently opposes the bail. He submits that the present petitioners were allegedly main accused. He further submits that there are injured persons who had to incur medical expenses on account of injuries allegedly inflicted by the petitioners.

Faced with the situation, learned counsel for the petitioners firstly submits that since the investigation is complete, challan already stands submitted, no useful purpose would be served in keeping the petitioners behind bars. He secondly submits that as has been noticed in the detailed order dated 09.09.2020, passed by this Court, it is a case of version and cross version. Thirdly, counsel submits that even on merits, he has a good case as the actual fight had taken place in front of the house of the petitioners-party, however, he submits that in order to show their bona fides, he has instructions from the petitioners and their relatives, to submit that they would deposit Rs.50,000/- towards medical expenses incurred by the injured persons, but, the same is without prejudice to their defence in the trial.

Learned counsel for the petitioners also submits that in view of the COVID situation, detention of the petitioners in jail would be dangerous to their lives and also the fact that trial is likely to take some time, the petitioners may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation

due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioners on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to their furnishing bail bonds/surety bonds.

In addition to the above said bail/surety bonds, in pursuance to the offer made by counsel for the petitioners, they would deposit Rs.50,000/-, before the trial Court, which shall be disbursed to the injured persons towards their medical expenses.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

15.10.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No