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

**CRM-M-33771-2020
Date of decision-17.11.2020**

Harbir Singh @ Kalu**....Petitioner**

Vs.

State of Haryana**...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Mrigesh Kumar, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.82 dated 13.05.2020 registered under Sections 323, 341, 188, 506, 148 and 149 Indian Penal Code, 1860 (Section 307 IPC added later on) at Police Station Odhan, District Sirsa. The petitioner is in custody since his arrest on 12.06.2020.

The FIR was registered on the statement of Sandeep Singh son of Gurmail Singh, wherein it was alleged that on 08.05.2020, his father, Gurmail Singh was walking on public passage in front of the house of Sukhveer Singh, who restrained him from using the path. Thereafter, at 8.30 p.m, when complainant alongwith his brother-Rinku and father was present at home, Sukhveer @ Khira, Kala Singh, Kalu, Ranveer and mother of Ranveer came to complainant's house and raised lalkara, whereupon Sukhveer gave lathi blow on complainant's head, right finger and left wrist.

Kalu, Kalu and Ranveer gave injuries to his brother with gandasi on head,

hand and feet. Upon raising noise by complainant and his family members, all accused persons ran away from the spot alongwith their weapons. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the alleged occurrence took place on 08.05.2020, whereas the FIR was lodged after delay on 13.05.2020 and as per allegations, the petitioner had caused injuries to Ranjit Singh @ Rinku. He has referred to the statement of the injured recorded under Section 161 Cr.P.C (Annexure P-5) to contend that the petitioner allegedly caused injuries on his hands and feet, whereas co-accused Kala had caused injury on his head. According to him, the offence punishable under Section 307 IPC was added subsequently on 09.06.2020 and during investigation, the co-accused Kala was exonerated. Learned counsel has pointed out that the investigation of the case is complete and therefore, his further custody may not be necessary. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Lekh Raj has opposed the prayer. However, it is not disputed by him that the injured had attributed head injury to the assailant, namely, Kala Singh who has not been sent to face trial as per the final report dated 06.08.2020.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete but charges are yet to be framed. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 12.06.2020 and his further detention may not be necessary 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 subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

17.11.2020

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(MANOJ BAJAJ)
JUDGE

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