

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

216

CRM-M-33941-2020 (O&M)

Date of decision: 30.10.2020

Mota Ram

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Raman Goklaney, Advocate
for the petitioner.

Mr. Ramdeep Pratap, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No. 178 dated 16.08.2020 registered under Sections 323 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station City Fazilka, District Fazilka to which Sections 307 and 325 of the IPC were added lateron.

The above said FIR was registered on statement of Pankaj Kumar. In his statement, Pankaj Kumar alleged that on 11.08.2020 at about 4 P.M when he objected to playing of music in loud volume by accused Chintu he got annoyed and picked up a brick and gave blow with the same on his forehead. Accused Anil Kumar @ Lala hit on his nose with dasta. Accused Mota Ram started giving fist blows to him on

his stomach and around it. Accused Gokul Ram, Neelam Rani and Mamta also came there and they also started beatings him. When he raised alarm all of them fled from the spot on seeing people gathering there.

The petitioner, being in custody since 10.09.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel. However, no reply to the petition has been filed by the respondent-State.

Learned State counsel has filed custody certificate of the petitioner through e-mail print out of which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The FIR was registered after undue unreasonable delay of 5 days. As per the allegations made in the FIR the petitioner is alleged to have given fist blows to complainant-injured Pankaj Kumar. Injuries attracting Section 307 of the IPC are not attributed to the petitioner. Trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

Learned State counsel has vehemently opposed the petition and submitted that in view of nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and role attributed to the petitioner who is alleged to have given fist blows to complainant-injured Pankaj Kumar and injuries attracting Section 307 of the IPC are not attributed to him and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without meaning to comment on the merits of the case as the same may prejudice either of the parties, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.10.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No