

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRM-M-34144-2020

Date of decision: 05.11.2020

Dharmender Kumar

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Gurvinder Singh Sidhu, Advocate for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Dharmender Kumar, stated to be aged 30 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.386 dated 16.11.2019, registered under Sections 147, 149, 323, 341, 427 & 506 IPC (Sections 302 & 307 of Indian Penal Code added later on), at Police Station Civil Lines, Sirsa.

At the outset, learned counsel for the petitioner submits that co-accused Himanshu @ Babu, Ajay Kumar and Mogali @ Jitender, have been granted bail by this Court vide common order dated 06.10.2020, passed in CRM-M-15434-2020, CRM-M-15617-2020 and CRM-M-3186-2020.

Learned counsel for the petitioner, based on the pleadings in the petition, submits that role of petitioner in FIR is under the name Krishan and he

is alleged to have only caused the dattar blow from back side, which is stated to be blunt.

On instructions, learned State counsel submits that challan in this case has been presented on 01.02.2020 and there are total of 18 witnesses, out of which, none has been examined till date. Learned State counsel further submits that the petitioner does not deserve the concession of bail as there are allegations that the petitioner has caused injuries with a sharp edged weapon.

Faced with the situation, learned counsel for the petitioner submits that he has instructions from the petitioner and his family members that to show their bona fides, without prejudice their defence in the trial, they would deposit Rs. 2 lacs towards medical expenses, with the trial court/Duty Magistrate concerned. Learned counsel however submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner 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 petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail/surety bonds.

In addition to the above said bail/surety bonds, accepting the offer made by counsel for the petitioner, the petitioner is directed to deposit Rs.2 lacs (towards medical expenses) 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.

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

05.11.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No