

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35888-2020

DATE OF DECISION: NOVEMBER 11, 2020

DINESH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. BIPAN GHAI, SR. ADVOCATE
WITH MR. PARAS TALWAR, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.184 dated 15.6.2019, under Section 302, 324, 452, 506, 148, 149 IPC, Police Station Sadar Jind, District Jind. The petitioner is in custody since his arrest on 2.7.2019.

The FIR was registered on the statement of complainant-Kaptan alleging that on 15.06.2019 at about 8.15 AM, when he alongwith Mohit, Sonu, Deepak and his uncle Virender were sitting in the room of his house, all of a sudden, Dinesh, Mukesh, Rajabala, Pardeep, Kailasho, who were armed with lathi, danda and fawra came there and opened attack upon them with an intention to kill. Some persons intervened and saved them. His uncle was found lying unconscious in the street with an injury by fawra on his head caused by accused. The complainant took his uncle to Government Hospital, Jind from where he was referred to PGIMS, Rohtak. The victim is

stated to have died on 19.06.2019.

Learned senior counsel for the petitioner contends that the fight between the neighbours resulted in injuries on both sides and cross-cases were registered through FIR No.184 dated 15.6.2019 and FIR No.250 dated 5.8.2019 (Annexure P-1 and P-2, respectively). He has argued that the petitioner suffered serious injuries and including 6 fractures in the said occurrence and the cross-case was registered on his statement. According to him, the other co-accused have already been released on regular bail and therefore, the petitioner also deserves the concession of bail as the investigation is complete.

On the other hand, learned counsel for the State assisted by SI Surender Kumar has opposed the aforesaid prayer. He submits that the petitioner was armed with a Fawda and gave the fatal blow to the victim on his head which resulted into his death. He, on instructions, states that the prosecution has examined only 7 witnesses so far out of the total 30 prosecution witnesses. It is not disputed by learned counsel for the State that the petitioner also suffered injuries in the occurrence.

After hearing learned counsel for the parties, this Court finds that the occurrence relates to a clash between the neighbours wherein both sides have suffered injuries. The petitioner was also seriously injured in the said occurrence, therefore, it would be seen after the trial who was the aggressor. Though the trial has progressed, but still it would take some time to conclude. This Court is cognizant of the fact that the outbreak of global pandemic COVID-19 in the region may further delay the conclusion of trial.

Admittedly, the petitioner is presently confined in judicial custody 2.7.2019

and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 11, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No