

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

CRM-M-34670-2020

Date of Decision: 03.11.2020

Monu

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Lather, 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.0092 dated 13.07.2020 registered under Sections 148, 149, 323, 324 and 341 IPC, 1860 (Section 326 IPC added later on) at Police Station Alewa, District Jind. The petitioner is in custody since his arrest on 29.08.2020.

The above FIR was registered on the statement given by Sohan Lal, which reads as under:-

“Statement of Sohan Lal, age 29 years son of Karta Ram, Caste Chammar, village Bighana, stated that I am permanent resident of village mentioned above and doing dairy farming. On 11.07.2020 at about 9:00 P.M. I was going to Gadi to tie bulls and when I reached in front of house of my Tau Kehra and my Tau Kehra was sitting on chair and he fixed lathi in my legs because of I fell down. At that time my Tau's grandsons Monu & Sonu sons of Satbir and Bhatri wife of Satbir came there having faawda and dandas. Monu having iron faawda in his hand caused injury on my nose and Sonu given danda blow on my back. Bhatri wife of Satbir given blow on my hand. At that time, Ajay son of Suresh and Suresh son of Kehra given legs and fist blows to me. On hearing noise my mother Rajo and my brother Vikram came out from house and tried to save me then Suresh son of Kehra, Parveen, Rai Singh sons of Mahender have beaten my mother. They ran away from the spot seen villagers. My brother Vikram and my mother took me to Civil Hospital Jind by arranging a vehicle where after first aid, I was referred to PGIMS Rohtak. It is requested you to take an action against accused Monu, Sonu, Bhatri, Ajay, Suresh, Parveen and Rai Singh. Sd/- Sohan Lal attested by ASI Suresh Singh Police Station Alewa.”

Learned counsel for the petitioner contends that the victim had suffered only one injury and out of seven accused, six are on bail except the petitioner. According to learned counsel, the investigation of the case is almost complete and, therefore, the further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel assisted by SI Ravinder Kumar, has opposed the prayer on the ground that the petitioner was armed with faawda and had caused injury on the nose of the victim, which is grievous in nature. However, it is not disputed that the other co-accused are on bail and the investigation of the case is nearly complete.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is nearly complete and the trial is likely to take some time to conclude. 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 29.08.2020, therefore, 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 in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Jind.

The petition is allowed.

03.11.2020

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No