

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 228

CRM-M-35626-2020

Date of decision : 21.12.2020

Raj Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Bhupender Singh, Advocate, for the petitioner.

Mr.Ashok Kumar Sehrawat, DAG, Haryana.

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DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.179 dated 05.09.2020, registered under Sections 323, 324 and 506 IPC (Section 326 IPC added later on) at Police Station Kunjpura, district Karnal.

Briefly stated, the case of the prosecution is that the complainant went to the shop of the petitioner to get his beard shaved but when the petitioner started to attend the other customers who had come after the complainant, he objected to the same on which the petitioner gave him beatings including a blow with his 'Ustra' which cut the thumb of his right hand.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case; he is in custody since 19.09.2020; there is no other criminal case in which he is involved; there is unexplained delay in lodging of the FIR; in fact it is the petitioner and his son who were attacked by the complainant party as a result whereof the petitioner's son received three injuries; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the

investigation and that the petitioner's trial which is yet to commence will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he has caused a grievous injury on the complainant.

As to who was the aggressor and the effect of delay in lodging of the FIR would be debated during the course of the trial. However, the petitioner has already been in custody for the last over three months; he is attributed only one injury; he is not involved in any other criminal case; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and the trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Karnal the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

21.12.2020

shamsher

[ DEEPAK SIBAL ]

JUDGE

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