

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2020/11/12 20:30
I attest to the accuracy and
authenticity of this document

CRM-M-36882-2020

Date of decision : 12.11.2020

Kulbir and another

..... Petitioner (s)

Versus

State of Haryana

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. G.S. Duhan, Advocate
for petitioner.

Mr. Sukhdeep Parmar, DAG Haryana.

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HARINDER SINGH SIDHU, J.

The case is taken up through video conferencing on account of COVID 2019.

Petitioners have filed this petition for grant of regular bail in case FIR No. 247 dated 30.8.2020 registered under Sections 148, 323, 324, 325, 326, 506, 34 IPC at Police Station Sadar Kiathal, District Kaithal.

FIR was registered on the statement of one Deepak. He alleged that on 25.8.2020 at about 11.00 AM, he alongwith some others was sitting in Jhimar chopal. Kuldeep, Subash (petitioner No. 2), Kulbir (petitioner No. 1) and others who were having lathis and gandasa in their hands came there started abusing complainant as to why he was sitting in the chopal of Jhimmar as he was Jat. When complainant alongwith Rambir wanted to go home, they were assaulted by accused. Kuldeep who had gandasa in his hand aimed at the head of complainant, however, complainant raised his left hand to save him and gandasi blow fell on his left wrist. Kulbir (petitioner No. 1) who was having gandasi in his hand inflicted gandasi blow on the right hand finger of complainant. Krishna is alleged to have raised lalkara. Subash and Prem who were having dandas in their hands also gave danda blows to complainant and Rambir.

Learned counsel for petitioner has argued that injury attributed to Kuldeep on the left wrist of complainant has been opined to be grievous. Said injury is alleged to have been inflicted from sharp side of gandasi. The injury alleged to have been inflicted by petitioner on the left finger of complainant is

from blunt side. In respect of injury attributed to petitioner No. 2, offence under Section 325 IPC is made out. The injury attributed to petitioner No. 2 is simple in nature.

The investigation in case is complete and challan has been filed. Petitioner is in custody since 15.9.2020. The trial of case has not made any headway because of COVID 2019.

In view thereof, no useful purpose will be served by detaining petitioners behind bars till the conclusion of trial. Accordingly, petition is allowed. Petitioners Kulbir and Subash are ordered to be released on bail on their furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

12.11.2020

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No