

CRM-M-37148 of 2020

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

CRM-M-37148 of 2020 (O&M)

Date of decision:03.12.2020

Rahul

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.N.Lohan, Advocate, for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM No.28728 of 2020

Prayer in the application is for placing on record the copy of MLR dated 14.06.2019 as Annexure P-4.

Application is allowed. MLR (Annexure P-4) is taken on record.

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The petitioner is seeking regular bail in case FIR No.346 dated 15.06.2019 registered under Sections 148, 149, 307, 323, 341, 506 and 201/34 of Indian Penal Code, 1860 at Police Station City Jind, District Jind.

Counsel for the petitioner submits that FIR was lodged on the basis of the complaint of the father of the injured, Deepak. Initially, FIR was registered against 04 persons but subsequently, after the statement of injured Deepak which was recorded on 02.08.2019, the challan was presented against two accused, namely, Rahul (present petitioner) and Ajay. Counsel for the petitioner has referred to the MLR (Annexure P-4) of the injured and submitted that injuries No.1 to 3 have been caused by co-accused Ajay with a *gandasa* blow on the head and neck, injury No.4 is alleged to have been caused by Rahul on the left leg and injury No.5 is on the hand of the injured. He has made a reference to the statement of doctor (Annexure P-2) to argue that injury No.4 which is attributed to the petitioner has been declared to be simple. He further submits that Vinod, who took the injured to the hospital, in his statement (Annexure P-1), has not supported the prosecution case. He urges that the petitioner is in custody since June, 2019 and due to the outbreak of the pandemic, the trial is not progressing, therefore, the petitioner deserves to be released on bail.

Opposing the petition, counsel for the State upon instructions from ASI Satnam Singh submits that five injuries were inflicted upon Deepak, though he could not dispute the fact that injury No.4 which is attributed to the petitioner was simple in nature. As per his instructions, the *gandasa* was recovered from the co-accused Ajay and motorcycle was recovered from the petitioner-Rahul. He has further instructions to submit that the challan was presented on 21.08.2019, the charge was framed on 22.10.2019 and 05 out of total 17 prosecution witnesses, have been

examined.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, nature of allegations, the gravity of offence and the fact that trial is likely to consume time due to spread of contagion, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

December 03, 2020
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No