

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

120

**CRM-M-38342-2020  
Date of decision: 09.12.2020**

Rahul

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

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

Ms. Geeta Sharma, DAG, Haryana  
for the respondent-State.

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**ARUN KUMAR TYAGI, J. (ORAL)**

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.360 dated 03.09.2020 registered under Sections 148, 186, 323, 324, 326, 341 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Indri, District Karnal.

The above said FIR was registered on statement of complainant Roshan. In his statement Roshan alleged that on 03.09.2020 when he along with his neighbour Pardeep was going on motorcycle to Village Kheri Mann Singh for doing paint work and reached Bhadson Turn, Indri, then Prince, Sahil, Rahul (the petitioner), Neeraj and Vansh along with three or four other persons got their motorcycle stopped. Prince raised lalkara and inflicted knife blow on

right shoulder of the complainant, Sahil gave knife blow on right arm of the complainant, Rahul (the petitioner) gave knife blow on left shoulder of the complainant and Neeraj and Vansh gave knife blows on the left arm of the complainant. The remaining persons gave danda blows to the complainant and his neighbour. When they raised alarm, all the assailants fled away with their respective weapons.

The petitioner, who is in custody since 17.09.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. In occurrence injuries were caused to co-accused Prince and others from accused side. Cross version has been registered on statement of co-accused Prince. The complainant party was the aggressor. The petitioner was not present at the time of alleged occurrence. Even otherwise as per the allegations made in the FIR the petitioner is alleged to have caused simple injury with knife on left shoulder of the complainant. Grievous injury caused with sharp edged weapon is attributed to co-accused Prince. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted

that in view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, involvement of version and cross-version, the fact that grievous injury caused with sharp edged weapon attracting Section 326 of the IPC is attributed to co-accused Prince and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**09.12.2020**

Vinay

**(ARUN KUMAR TYAGI)**  
**JUDGE**

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