

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

242

CRM-M-38081-2020

Date of Decision: 25.11.2020

Prem Chand and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Kunal Dawar, Advocate,
for the petitioners.**

Mr. Bhupender Singh, D.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in FIR No.125 dated 18.08.2020 under Sections 147, 149, 323, 506 IPC (the offences under Sections 325, 307 IPC were added later on), registered at Police Station Dhauj, District Faridabad.

Learned counsel for the petitioners has argued that apart from the fact that the FIR was lodged after two days of the alleged incident, it is after about 41 days, the offence under Section 307 IPC has been added in the case. No injury has been attributed to the petitioners, which attracts the offence under Section 307 IPC. The *Danda* allegedly used by the petitioners in the occurrence has already been recovered and the injury, if any, attributed to petitioner No.2 with *Danda* blow, is simple in nature.

Learned State Counsel does not dispute the custody period of the petitioners. However, he submits that the injuries attributed to the petitioners attracts the offence under Section 307 IPC as well, as the petitioners are members of unlawful assembly and in the background of offence under Section 149 IPC, they are guilty of committing the offence under Section 307 IPC as well.

Heard learned counsel for the parties.

Petitioners are in custody since 04.10.2020. The petitioners have not attributed the injuries for the offence under Section 307 IPC. Trial in the case is not likely to be concluded in the near future. Moreover, COVID-19 pandemic is likely to cause further delay in the trial, Thus, this Court deems it appropriate to admit the petitioners on bail.

Accordingly, the present petition is allowed and the petitioners are admitted on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

November 25, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No