

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

**CRM-M-39106-2020 (O&M)
Date of decision : 18.12.2020**

Karambir

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Namit Khurana, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.262 dated 21.06.2020 under Sections 307, 323, 324, 506 and 34 of the Indian Penal Code, 1860 and Sections 25/54/59 of the Arms Act, 1959 registered at Police Station Sector 32-33, District Karnal.

Learned counsel for the petitioner would contend that no injuries have been attributed to the petitioner and the injuries attracting the provisions of Section 307 IPC have been attributed to the co-accused. He would further contend that there is no other case pending against the petitioner.

Learned counsel for the State has filed the status report/reply by way of affidavit of Rajiv Kumar, HPS, Deputy Superintendent of Police, Karnal wherein it has been stated that the petitioner has been in custody since 03.07.2020 and that the injuries mentioned in the MLR have been attributed to the co-accused. It has further been stated that the petitioner, in his confessional statement, had confessed that he had given

fist and kick blows to Raman. Learned State counsel has further stated that the challan has since been presented.

I have heard learned counsel for the parties.

In the present case, the case set up by the prosecution is that one Harvinder Singh filed a complaint with the police stating therein that Raman son of Maman, who is his brother-in-law, had come to see his other brother-in-law, Neeraj, and his wife who were ill. At about 10.00 pm on 20.06.2020 he reached in his in-laws' village Katta Bagh where he met the complainant and the complainant sat with him in the car and two boys from the village namely, Ravinder and Suraj, also sat in the vehicle with them. They were all standing near Parasvanath City Chowk when the petitioner herein came near the vehicle and started asking them as to why they were standing there and switched off the lights of his vehicle. An argument ensued between Raman and the petitioner herein. Thereafter the petitioner is stated to have left from there and returned after about 10 minutes with his accomplices who were armed with '*lathis*' and '*dandas*'. It has further been alleged that the co-accused Mahabir inflicted the knife blows on the abdomen and left leg of Raman, who was sitting in his car on the passenger side. Karan, the other co-accused, also assaulted Raman and Mudh with a '*danda*'. It is further the allegation that 5-6 other boys whose names were not known also assaulted the complainant and others with *lathis* and *dandas*. Thereafter, they fled from the spot.

Learned counsel for the State has referred to the status report/reply wherein it has been stated that the petitioner in his confessional statement has stated that he had given fist and kick blows to Raman. However, the same does not find mentioned in the FIR. A perusal of the FIR reveals that there is no overt act attributed to the petitioner. There is also no other case pending against the petitioner. The challan has already been presented in the present case.

In view of the above and without commenting upon the merits of the case and considering the fact that the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 pandemic, I deem this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off. No separate order needs to be passed on the pending applications which also stand disposed off.

18.12.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO