

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39040 of 2020

Date of Decision: 18.12.2020

Kuldeep

.....Petitioner

Vs.

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Gurmail Singh Duhan, Advocate for the petitioner.

Mr. Dhruv Sheoran, DAG, Haryana.

HARINDER SINGH SIDHU J.

Case is taken up through Video Conferencing on account of
COVID-2019.

This petition has been filed under Section 439 Cr.P.C. for grant of
regular bail to the petitioner in case FIR No. 247 dated 30.08.2020 under
Section 148, 323, 324, 325, 326, 506 and 34 IPC, registered at Police Station
Sadar Kaithal, District Kaithal.

The allegation in the FIR is that on at about 10/11:00 a.m., the
complainant-Deepak along with one Rambir were sitting in Jhinwar Chopal. At
that time, Kuldeep (petitioner), Subhash, Kulbir, Krishna Devi and Prem, who
were having lathis, dandas and gandasi in their hands came there and assaulted
the complainant and Rambir before the Chopal. The petitioner-Kuldeep, who
was having gandasi in his hand, gave a blow on the head of the complainant.
However, the complainant hold his hand up to save himself and gandasi blow
was hit on his left wrist. Thereafter Kulbir, who having *gandasi* in his hand, is
alleged to have given a *gandasi* blow which hits on the finger of the right hand
of the complainant. Subhash is also alleged to have beaten the complainant and

Rambir with *danda*.

Learned counsel for the petitioner has submitted that in fact the petitioner-Kuldeep alongwith with one Kulbir were standing in front of Jhimar Chopal and it was the complainant and others were having *lathis* and *dandas* in their hands and started beating Kulbir and Kuldeep(petitioner) and when their mother reached to rescue them then she was also beaten by the complainant party.

The petitioner himself and his mother Krishana were also medico legally examined in case FIR No. 241 for offence under Sections 148, 149 and 323 IPC dated 26.08.2020 against the complainant party. The present FIR is a counter blast of the FIR which lodged against the complainant.

The petitioner has been in custody since 15.09.2020. The investigation in this case is complete and the challan has been presented.

The trial of the case is likely to take long time in view of COVID-19 pandemic. No useful purpose will be served by keeping the petitioner in custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner-Kuldeep is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court//Chief Judicial Magistrate/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

18.12.2020
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No