

213

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.39840 of 2020 (O&M)

Decided on: 03.12.2020

Sandeep @ Kaliya

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.K. Yadav, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.434 dated 07.10.2020, for offence punishable under Sections 147, 149, 323, 506 of the Indian Penal Code, 1860 (in short 'IPC') (Sections 109, 114, 115, 325, 307 IPC added subsequently) registered at Police Station Khol, District Rewari.

Counsel for the petitioner has argued that as per the allegations in the FIR, the injuries pertaining to Section 307 IPC, are attributed to the co-accused of the petitioner namely Vikas. It is further submitted that initially the FIR was registered under Sections 147, 149, 323, 506 IPC and thereafter, Sections 109, 114, 115, 325, 307 IPC were added after 20 days on the basis of the report of the doctor.

Counsel for the petitioner has further submitted that the petitioner is in custody since 14.10.2020. It is also submitted that considering the fact that the victim remain admitted in a private hospital and was on a ventilator for a period of 18 days and has borne medical

CASE HEARD THROUGH VIDEO CONFERENCING

expenses, the petitioner voluntarily offered to pay him Rs.50,000/- towards his medical expenses without prejudice to his right of defence.

Counsel for the State has not disputed the factual position but opposed the prayer for bail on the ground that the victim was mercilessly beaten up and he sustained 18 injuries and remained in private hospital from 05.10.2020 to 23.10.2020 and even, thereafter, he is under treatment.

Without commenting anything on merits of the case, considering the fact that the petitioner has volunteered to compensate the victim; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate and on payment of Rs.50,000/- to the victim towards the medical expenses, without prejudice to his right of defence.

The payment of Rs.50,000/- shall be a pre-condition before accepting the bail/surety bonds of the petitioner.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

03.12.2020

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No