

**230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-42460-2020
Decided on : 21.12.2020

Dharam Singh @ Dharma & anr.

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Lalit Kumar, Advocate
for the petitioners.

Mr. Rajiv Goel, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.125 dated 24.09.2020 registered under Sections 147, 148, 149, 323 IPC, 1860 (325 and 307 IPC added later on) at Police Station Alewa District Jind.

Learned counsel for the petitioner inter alia contends that the FIR in question has been registered after a delay of 8 days from the alleged occurrence, which lends credence to a false and fabricated version having been brought-forth by the complainant party. In fact, it is a case of version and cross-version in which both the parties sustained injuries. Learned counsel while referring to the injuries allegedly attributed to petitioner No.1 – Dharam Singh has submitted that that he was allegedly armed with a gandasi and attributed blows on the husband of the complainant- Raj Kumar, which was opined to be simple in nature by the attending doctor. While referring to the role of petitioner No.2 – Monu, learned counsel for the petitioners has submitted that he caught hold the son of complainant

namely Narender. The petitioners have been in custody since 29.10.2020 and trial is unlikely to conclude in the near future, as only challan has been filed till date.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Mahender, has submitted that the charges are likely to be framed in the instant case on 24.12.2020 by the trial Court. However, he has not been able to controvert the roles and injuries allegedly attributed to both the petitioners and has conceded that the injury attracting the mischief of Section 307 IPC, has not been attributed to either of the petitioners.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioners, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioners are admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

21.12.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No