

204

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.43683 of 2019 (O&M)
Date of Decision: 04.09.2020

AMANPetitioner
Vs
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Manvinder Singh Dalal, Advocate for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Kanhiya Soni, Advocate for the complainant.

RAJ MOHAN SINGH, J.(Oral)

CRM-21651-2020

The case has been taken up for hearing through video conferencing.

For the the reasons mentioned in the application, the same is allowed. Accompanying documents are taken on record.

Main case

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.10 dated 07.01.2019, registered under Sections 323, 506, 34 IPC (Section 307 IPC added later on) at Police Civil Lines, District Kaithal.

The FIR was lodged by the complainant namely Sunil Chahal with allegations that on 07.01.2019, he along with Narender had gone to the Court at Kaithal in connection with some criminal case, where Aman, Jag Mohan @ Kala and Krishan met them. The complainant-party had some altercation with them. The complainant brought Narender from there to avoid any quarrel. When the complainant was going on his motorcycle along with Narender as pillion rider, then petitioner and Krishan on one motorcycle, Jagmohan @ Kala and one other person on other motorcycle came in front of the complainant. Aman inflicted a lathi blow on the head of Narender and as a result of that Narender fell down on the road. Krishan inflicted a danda blow on the left hand of the complainant. The assailants fled away from the spot on seeing many people attracting to the spot. Offence under Section 307 IPC was added later on.

Learned counsel for the petitioner submitted that a compromise has been effected between the parties. The compromise/joint affidavit of Narender and Sunil has been filed along with CRM No.21651 of 2020. Learned counsel further submitted that the petitioner is in custody since 19.05.2019 and due to the situation arising out of COVID-19 pandemic, the trial of the case may take some time in its culmination.

Learned counsel appearing on behalf of the complainant admitted the factum of compromise between the parties.

Learned State counsel however opposed the same on the ground that the medical condition of Narender is still very pathetic as he cannot speak properly on account of head injury. Learned counsel further submitted that out of 22 prosecution witnesses, 20 witnesses have already been examined and the trial has reached at the fag end.

At this stage, in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

September 04, 2020

Atik

Whether speaking/reasoned Yes/No

Whether reportable Yes/No