

(240) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.895 of 2021
Date of decision: 02.03.2021

Davinder @ Goldi

.... Petitioner

Versus

State of Haryana

.... Respondent

Coram: Hon'ble Mr. Justice B.S. Walia.

Present : Mr. G.C. Shahpuri, Advocate for the petitioner.
Mr. Naveen Sheoran, DAG, Haryana.

B.S. Walia, J. (Oral)

[1] Prayer in the petition under Section 439 Cr. P. C. is for grant of regular bail in case FIR No.96 dated 24.06.2020 registered under Sections 148, 149, 323, 325 and 506 IPC to which Section 307 IPC was added later on at Police Station Sadhaura, District Yamuna Nagar.

[2] Learned counsel for the petitioner contends that the petitioner is alleged to have caused a 'danda' blow on the head of the injured Vikas which was declared to be dangerous to life but said Vikas has fully recovered and been discharged from hospital after treatment. Learned counsel contends that as per the MLR, the injured was recorded as being involved in a road accident and was also found to be smelling of alcohol.

[3] Learned State counsel on the other hand contends that the question as to how the entry was made in the MLR and whether the case was one of road side accident and/or the complainant was drunk is subject to evidence to be led in the trial but the petitioner is not entitled to be released on bail on account of his having inflicted *danda* blow on the head of Vikas which was declared dangerous to life.

[4] Learned counsel for the petitioner on the other hand states that investigation in the case is complete, Challan has been filed though charges are yet to be framed, trial would take considerably period of time, therefore, no useful purpose would be served by keeping the petitioner in custody especially in the circumstances prevailing due to Corona virus pandemic.

[5] In the light of the position noted above and without expressing any opinion on merits of the case, I am of the considered view that since the investigation is complete, challan has been filed but charges are yet to be framed, no useful purposes would be served by keeping the petitioner in custody on account of the circumstances prevailing due to Corona virus pandemic. Accordingly, the present petition is allowed. Petitioner- Davinder @ Goldi is ordered to be released on regular bail during the pendency of the trial on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, provided he is not required in any other case. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

March 02, 2021

'Rajneesh/Amit'

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| 1. | Whether speaking/reasoned: | Yes/No. |
| 2. | Whether reportable : | Yes/No. |