

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-794 of 2021

Date of Decision: 25.02.2021

Chand

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. A.P. Kaushal, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.241 dated 07.06.2020 under Sections 323/324/506/148/149 IPC and Sections 307/201 IPC (added later on) registered at Police Station Old Subzi Mandi Rohtak.

The present FIR was registered on the basis of complaint dated 07.06.2020 moved by the complainant Sandeep son of Satyawar, alleging therein that three days ago, the accused-Mahender was using abusing language in the street, to which, the complainant and his wife

objected. The accused-Mahender rebuked the complainant and his wife and asked them to go home, otherwise they will be given beatings. Then altercation started. Accused Mahender made a phone call to his son i.e. the present petitioner, who along with his 7-8 companions reached there and after giving knife blows to the complainant, ran away, while extending threats to kill them.

Learned counsel for the petitioner has argued that the petitioner is in custody since 04.08.2020. Even otherwise, initially, the present FIR was registered under Sections 323/324/506/148/149, in which he was released on bail, but it is on addition of Sections 307/201 IPC later on, he has been arrested again. However, the fact whether the offences fall under Section 307/201 IPC is to be established during trial.

Learned State counsel submits that the injured remained hospitalized from 07.06.2020 to 18.06.2020 and the injuries were found to be grievous in nature and therefore, the petitioner does not deserve to be admitted on bail.

I have heard learned counsel for the parties.

There is no dispute that initially, the present FIR was registered under Sections 323/324/506/148/149 IPC and the petitioner was released on bail, the offences being triable by a Magistrate and it is on addition of Sections 307/201 IPC later on, the petitioner has been arrested again. The question whether the petitioner committed offences under Sections 307/201 IPC is yet to be decided during trial. Considering the fact that the petitioner is in custody since 04.08.2020 and his culpability is yet to be decided during trial and trial in case is not likely to be concluded in

near future, this Court deems it appropriate to admit the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

February 25, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No