

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

CRM-M-523-2021
Decided on : 12.01.2021

Jasbir Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rakesh Gupta, Advocate
for the petitioner.

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.461 dated 22.08.2019 registered under Sections 148, 149, 323, 325, 427, 506, 307, 120-B IPC, 1860 and Section 3 of SC/ST Act at Police Station Pehowa.

Learned counsel for the petitioner inter alia contends that the petitioner, who has been in custody since 30.09.2020, has been falsely implicated in the case in hand on the basis of alleged disclosure statement made by co-accused Shailendra before the investigating agency wherein he allegedly revealed that the petitioner was part of the unlawful assembly which attacked the injured Arun and Raj Kumar in the alleged occurrence. Learned counsel has further submitted that the evidence on the basis of which the petitioner has been implicated in the case in hand, is of weak evidentiary value. It has also been submitted that though the petitioner was allegedly armed with gandasi and had allegedly inflicted a gandasi blow on the person of the injured, however, medico-legal report (Annexure P-5)

reveals that all the injuries sustained by the injured were blunt in nature, which further lends credence to his false implication. Learned counsel submits that co-accused Shailendra has been granted the concession of bail by this Court vide order dated 14.10.2020 (Annexure P-7), hence, the petitioner may also be granted the concession of regular bail as he is placed on a better footing compared to him.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner. He on instructions from DSP Gurmail Singh has submitted that the charges are likely to be framed in the near future.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 30.09.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

12.01.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No