

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1788-2021

DATE OF DECISION: JANUARY 19, 2021

KULDEEP

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.S. MAMLI, ADVOCATE FOR THE PETITIONER.
KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.0104 dated 1.7.2020, under Section 323, 341, 506, 34 IPC (Section 308 and 325 IPC added subsequently), Police Station Radaur, District Yamuna Nagar. The petitioner is in custody since his arrest on 3.7.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Yamuna Nagar, in her order dated 23.11.2020, are as under:-

“On 28.06.2020 a telephonic information was received in Police Post Kheri Lakha Singh regarding admission of injured Rahul Verma in M.M. Hospital. Upon receipt of this information, HC Ram Kumar alongwith HC Jasbir Singh reached at M.M. Hospital where HC Ram Kumar recorded the statement of injured Rahul Verma after obtaining his fitness report from the doctor. As per the complainant, he is a resident of Village Hartan. He is a graduate and is running an electricity shop in the village. About 4/5 days back, a 'panchayati' ramp was

being constructed in the street in front of his house. To avoid any damages to the newly constructed ramp, they had put up a 'rokk' (temporary fencing) on its both sides. On the same day, Kuldeep came in front of his house on a motorcycle and started abusing him and his family members. He complained to Vikram Singh-Sarpanch about this incident, but the matter was pacified in the panchayat with the intervention of one Mohan Singh Chadda. On 27.06.2020 at about 10:00 PM, the complainant alongwith his electrician namely Manish was going to his house. On the way, Dohi son of Som Nath Kashyap stopped him near the shop of one Subhash. Meanwhile, Kuldeep (present petitioner) armed with rod came there and gave its blow on the back side of his head. Dohi caught him and made him fell on the ground. Dohi also gave him fist blows and abused him. On complaint's raising, both Kuldeep and Dohi fled from the spot with their respective weapons. Meantime, his electrician brought his family members at the spot, who took him to CHC Radaur for treatment where doctor referred him to MLGH, Yamuna Nagar but his family members took him to M.M. Hospital, Mullana.”

Learned counsel for the petitioner contends that the alleged occurrence took place on 27.6.2020, whereas the FIR was lodged after a delay on 1.7.2020. According to him, the injuries which were suffered by the victim were initially declared as simple, but later on injury No.1 was declared grievous on 8.7.2020. He has argued that the investigation of the case is complete and therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Darshan Singh has opposed the aforesaid prayer on the ground that the petitioner is named in the FIR. However, it is not disputed that the investigation of the case is complete and the trial is yet to commence.

Considering the above background and the custody of the petitioner, this Court does not find any reason to decline the prayer, particularly, when investigation of the case is complete and the trial is yet to commence and would likely to take considerable time to conclude in the wake of outbreak of global pandemic, namely, COVID-19 in the region, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody since 3.7.2020 and is not required for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

January 19, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No