

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

103+215

**CRM-1717-2021 AND
CRM-M-1773-2021
Decided on : 27.01.2021**

Parveen and another

. . . Petitioner(s)

Versus

State of Haryana and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. S.P. Arora, Advocate
for the applicant-petitioner(s).

Mr. Rajiv Goel, DAG, Haryana
assisted by SI Amrit Lal.

Mr. Sanchit Punia, Advocate
for respondent No.2 - complainant.

MANJARI NEHRU KAUL, J. (Oral)

CRM-1717-2021

In terms of order dated January 19, 2021, the instant application has been filed under Section 482 Cr.P.C., for amendment in the prayer clause of the bail petition filed on behalf of the petitioners in case FIR No. 240, dated 07.10.2020, under Sections 323, 326, 341, 506 and 34 IPC (Section 342 IPC added subsequently), registered at P.S. Bass, District Hisar and subsequently

After hearing learned counsel for the applicant-petitioners and perusing the averments made in the application, same is allowed. Office is directed to carry out necessary corrections/amendments in the prayer clause of the main petition.

CRM-M-1773-2021

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No. 240, dated 07.10.2020,

under Sections 323, 326, 341, 506 and 34 IPC (Section 342 IPC added subsequently), registered at Police Station Bass, District Hisar.

Learned counsel for the petitioners *inter alia* contends that the petitioners have been falsely implicated in the instant FIR and attributed a role each in the FIR in question. It has been submitted that petitioner No.2 – Rajesh @ Katli, was allegedly armed with a danda and the injury attributed to him is a simple one. It has been further submitted that injury attributed to petitioner No.1 – Parveen, is a 'jelly' blow on the eye of respondent No.2 – complainant, which was opined to be grievous in nature, and thus, attracting the mischief of Section 326 IPC. Learned counsel for the petitioners has submitted that it was a sudden quarrel, which took place between the parties, resulting in injuries being inflicted on the person of respondent No.2 – complainant. It has been prayed that the petitioners be enlarged on bail as they have been in custody since 03rd December, 2020 and only challan has been presented till date. Hence, there is no likelihood of the trial concluding anytime in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Amrit Lal, has submitted that the charges are likely to be framed in the near future. He has, however, not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioners with respect to the roles and the injuries attributed to both the petitioners.

Learned counsel appearing on behalf of respondent No.2 – complainant has opposed the submissions made by learned counsel for the petitioners and submitted that due to the injury inflicted by petitioner No.1 – Parveen, the complainant has suffered loss of eye sight of his left eye.

Learned counsel for the petitioners has controverted the submissions of learned counsel for respondent No.2 – complainant and invited

the attention of this Court to the opinion of the Doctor, wherein, no such opinion with regard to the loss of sight has been given by him.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioners, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioners are admitted to bail to the satisfaction of 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

January 27, 2021

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No