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

CRM-M-5946 of 2021

DATE OF DECISION: 05.05.2021

Sukhbir

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

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

Ms. Upasana Dhawan, AAG Haryana.

ALKA SARIN, J.

Heard through video conferencing.

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0133 dated 17.06.2020 under Sections 147, 148, 149, 323, 341, 506 of the Indian Penal Code, 1860 (for short, 'IPC') [Sections 325, 307, 34 IPC added later on and Sections 147, 148, 149 have been deleted in the report under Section 173 CrPC] registered at Police Station Garhi, District Jind. The first petition for grant of regular bail [CRM-M-33435-2020] was dismissed as withdrawn on 03.11.2020.

Learned counsel for the petitioner would contend that the petitioner has been falsely involved in the case, there is a delay in registration of the FIR, the injury attributed to the petitioner is with a

blunt weapon and there was no intention to kill, the petitioner is in custody since 01.07.2020 and is not involved in any other case. Lastly, it was submitted that the co-accused, Randeep, has been granted regular bail by this Court vide order dated 25.09.2020 passed in CRM-M-29117-2020 and the petitioner is also entitled to bail on the ground of parity.

The State has filed a status report by way of affidavit of Tahir Hussain, Additional Superintendent of Police, Jind stating therein that the petitioner is the main accused in the commission of the crime and that it was the petitioner who had inflicted an injury on the head of the complainant which injury has been opined as being dangerous to life. As per the status report, the report under Section 173(2) CrPC has been presented and the case is pending consideration on charge. It is also submitted that the petitioner was also named in FIR No.86 dated 19.04.2014. On a query by the Court it was informed that the petitioner stood acquitted in that case.

I have heard learned counsel for the parties.

The petitioner is accused of afflicting an injury which has been opined as being dangerous to life. The injury inflicted was from the opposite side of the *Ghandasi*, whether Section 307 IPC would be attracted would be a debatable issue, which would be gone into at the stage of trial. Petitioner has been behind the bars since 01.07.2020, the co-accused has been granted regular bail and the report under Section 173(2) CrPC has been presented though charges are yet to be framed. No further recovery is to be made from the petitioner.

In view of the submissions made by learned counsel for the parties and without commenting on the merits of the case and the fact

that the investigation stands completed and no recovery is to be made from the petitioner and the trial is unlikely to conclude in the near future in view of the current scenario in the wake of the surge of the COVID-19 cases and also the fact that the co-accused has been granted regular bail, I deem this to be a fit case to grant concession of regular bail to the petitioner. The petitioner is ordered to be released on bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

However, the Prosecution will always be at liberty to get the bail cancelled, in case the petitioner is found to be misusing the concession of bail in any manner.

Disposed off.

05.05.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No