

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

103

**CRM-M-7834-2021
Date of decision : 31.03.2021**

Dharmender @ Bittu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.240 dated 10.07.2020 registered under Sections 325, 379-B and 506 read with Section 34 of the Indian penal Code, 1860 in Police Station Kanina, District Mahendergarh.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Rajiv Kumar, HPS, Deputy Superintendent of Police, Kanina, District Mahendergarh in the Registry of this Court which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the

petitioner has been falsely implicated in the present case. The petitioner along with his co-accused is alleged to have caused injuries to complainant-Ramphal and to have snatched amount of Rs.2,000/- from his pocket. There was undue and unreasonable delay of three days in lodging of the FIR. As per the allegations made in the FIR, the petitioner gave *lathi* blow to the complainant. The injury attributed to the petitioner was declared to be simple. The petitioner is in custody since 07.08.2020. Trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Co-accused Ajay @ Bhanu has been granted regular bail by this Court vide order dated 27.01.2021. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has submitted that the petitioner along with his co-accused caused injuries to the complainant and snatched amount of Rs.2,000/- from him. In view of nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, parity with co-accused Ajay @ Bhanu who has been granted regular bail by this Court vide order dated 27.01.2021 and the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Therefore, the petition is allowed and the petitioner is

ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

31.03.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No