

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

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CRM-M-10300-2021

Date of decision : 10.03.2021.

Dainy Nayyar @ Daniel

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sandeep Arora, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Heard through physical hearing.

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.97 dated 08.09.2020 under Sections 323, 324, 326, 427, 452, 120-B of the Indian Penal Code, 1860 registered at Police Station Patara, District Jalandhar Rural.

Learned counsel for the petitioner would contend that the first petition was withdrawn on 09.12.2020. Learned counsel for the petitioner would further contend that the petitioner has been in custody since 11.09.2020 i.e. for a period of six months. Learned counsel for the petitioner would further contend that there are four injuries attributed to the petitioner, out of which two are simple in nature and the remaining, which have been declared grievous, are on the non-vital parts of the body. Learned counsel would further contend that the challan has been presented and there is no recovery to be effected from the petitioner.

Notice of motion.

On the asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab has put in appearance on behalf of the respondent-State and accepts notice. On instructions from ASI Sukhpal Singh, the learned state counsel has stated that there is one other case pending against the petitioner. However, he is not in a position to deny that the offences in the case pending against the petitioner are all bailable. Learned State counsel is also not in a position to deny that the petitioner has now been in custody for a period of six months and that out of four injuries attributed to the petitioner, two have been declared simple in nature and the other two which have been declared grievous, are on non-vital parts of the body.

In view of the above, without commenting on the merits of the case and keeping in view the fact that the petitioner has been in custody since 11.09.2020 and also the fact that the trial is unlikely to conclude in the near future especially in view of the current scenario in the wake of the outbreak of the COVID-19 pandemic, I deem this to be a fit case to direct release of the petitioner on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty Magistrate concerned.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

The Prosecution shall 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, accordingly.

March 10, 2021
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(ALKA SARIN)
JUDGE

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