

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

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**CRM-M-11514-2021
Date of decision: 30.04.2021**

Dinesh @ Dessa

.....Petitioner

Versus

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ram Kumar Saini, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.654 dated 03.09.2020 registered under Sections 323, 324, 307, 120-B read with Section 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 in Police Station HTM Hisar, District Hisar.

The above-said FIR was registered on statement of Mohan who alleged that on 02.09.2020 at about 8:30 p.m. his younger brother Sombir came home smeared with blood. On being asked Sombir told that while he was sitting near Ravidass Temple, Devender and Dinesh (the petitioner) came on foot and Naresh and Sahil came on a motorcycle and started quarreling with him. They gave slaps and fist blows. Devender @ Dev gave knife blows to him. When he raised alarm, the accused fled from the spot.

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

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned

State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. As per the allegations made in the FIR knife injuries were inflicted by co-accused Devender @ Dev. The petitioner is alleged to have given slaps and fist blows. The petitioner is not seen in the CCTV footage which covered the incident. The petitioner is in custody since 03.09.2020. Co-accused Naresh @ Abhi has already been granted regular bail by this Court vide order dated 24.03.2021 passed in CRM-M-43757-2020. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner had actively participated in the commission of offences. 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, role attributed to him, the fact that knife injuries caused to the injured are attributed to co-accused Devender @ Dev and the fact that trial is likely to take long time due to restrictions imposed to prevent the 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.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.04.2021
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(ARUN KUMAR TYAGI)
JUDGE

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