

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

107+215

(i)

**CRM-M-12077-2021 (O&M)
Date of Decision : 16.03.2021**

Chintu @ Chandan

.....Petitioner

Versus

State of Punjab

.....Respondent

(ii)

**CRM-M-36532-2020
Date of Decision : 16.03.2021**

Anil Kumar @ Lala

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Raman Goklaney, Advocate
for the petitioners

Mr. P.S. Walia, Asstt. AG, Punjab
for the respondent-State.

Mr. Deepak Kataria, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (Oral)

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

The petitioner-Chintu @ Chandan has filed CRM-M-12077-2021 and petitioner-Anil Kumar @ Lala has filed CRM-M-36532-2020 under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.178 dated 16.08.2020 registered under Sections 148 and 323 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') in

Police Station City Fazilka, District Fazilka to which Sections 307 and 325 of the IPC were added lateron.

The petitioners being in custody have filed present petitions for grant of regular bail.

The petitions have been opposed by the respondent-State in terms of status reports filed by way of affidavit of Jasbir Singh, PPS, Deputy Superintendent of Police, Sub-Division, Fazilka in CRM-M-36532-2020 through e-mail print out of which is taken on record.

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for the complainant and gone through the relevant record.

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case. The petitioners as well as complainant party are close relatives. The FIR was registered after delay of five days with due deliberation, consultation and concoction. The complainant party implicated all the male members of the family of the petitioners in the FIR in question. The case involves debatable question as to whether the injury on the person of Pankaj Kumar attracts Section 307 or 325 of the IPC. In fact offence under Section 307 of the IPC is not made out. Subsequently with the intervention of the respectables the matter has also been compromised between the parties. The trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 and no useful purpose will be served by keeping the petitioners in custody. Therefore, the petitioners may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the allegations made against the petitioners are serious. Injury No.1 declared to be dangerous to life is attributed to petitioner-Chintu @ Chandan and injury No.2 declared to be grievous is attributed to petitioner-Anil Kumar @ Lala. In view of the gravity of offences, the petitioners do not deserve grant of regular bail. Therefore, the petitions may be dismissed.

Learned Counsel for the complainant has admitted the factum of compromise and stated that the complainant has no objection if the petitioners are granted regular bail.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioners, the factum of compromise between the parties and also the fact that 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 petitioners.

Accordingly, the petitions are allowed and the petitioners-Chintu @ Chandan and Anil Kumar @ Lala are 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.

16.03.2021

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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