

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-14787-2021

Date of decision : 23.9.2021

Vikas

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Jitender Dhanda, Advocate,
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present petition has been filed under Section 439 of code
of Criminal Procedure for grant of regular bail to the petitioner in case FIR
No.565 dated 5.11.2019 registered under Sections 307, 323, 325, 341, 34
IPC and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 at Police Station Barwala, District
Hisar.

The present bail petition has been contested by the State.

Learned counsel for the petitioner has *inter alia* submitted that
the petitioner has been falsely implicated in this case and he is in custody
for the last about one and a half years. The complainant as well as the
injured have already been examined in the trial Court. He prayed for grant
of regular bail to the petitioner.

On the other hand, learned State counsel contended that the main injury under Section 307 IPC has been attributed to the petitioner and as such, he is not entitled to grant of bail.

I have considered the rival contentions raised by the learned counsel for the parties.

As per the allegations appearing in the FIR, at the time of the alleged occurrence, Vikas-petitioner along with Gurmeet and Sumit intercepted the complainant & Amit and they started beating them. In the meantime, Vikas-petitioner took out wooden plank of cart which was stationed nearby and hit the same on the head of Amit while he was caught by Sumit.

It is the case of the State that the aforesaid injury caused by the petitioner on the head of Amit was declared dangerous to life. Admittedly, the injured has already been discharged from the hospital, and testified along with the complainant in the trial Court. As per custody certificate, the petitioner is in custody for the last 1 year, 5 months and 11 days as on 20.9.2021. The remaining accused have already been granted bail in this case.

No doubt, Covid-19 situation is now improving and things are becoming normal. Still, it will take time for conclusion of the trial as out of total 14 Pws, only 4 PWs have been examined in the trial Court till date.

In the light of the above, this Court is of the view that no purpose will be served by keeping the petitioner in custody for any longer period. Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail during the pendency of the trial,

Magistrate/Duty Magistrate, Hisar. The petitioner should appear in the trial Court on each and every date of hearing and is directed not to leave the country without prior permission of the Court and also not to interfere in the proceedings of the trial in any manner.

September 23, 2021
Paritosh Kumar

(KARAMJIT SINGH)
JUDGE

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