

128 IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

CRM-M-15169-2021
Date of Decision: 30.04.2021

Dayal Singh ...Petitioner
V/S
State of Haryana ...Respondent

Coram: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Narender Kaajla, Advocate for the petitioner.
Mr. Krishan K. Chahal, Addl. A.G. Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.275 dated 16.08.2020, registered under Sections 148, 149, 323, 325, 452, 506 IPC, to which Section 307 IPC was added later on, at Police Station Chandimandir.
3. Learned counsel contends that the petitioner, who is old man of 73 years, has been implicated falsely so as to rope in all family members and that as per the FIR, no injury is attributed to the petitioner and that even otherwise, the FIR reveals that there was an on-going dispute between the family of the complainant as well as the petitioner since a number of months, that as per the allegations in the FIR, on 15.08.2020 at about 09:30 p.m., when the complainant party was taking dinner, then suddenly Jasbir, Kamaljit, Sukhwinder Singh, Satinder, Dayal Singh, Kaki, Pidli, Pooja, Neelam and Pammi entered the complainants house and attacked the complainant party with sticks, rods, bricks and stones and in said scuffle, Kulbant Kaur suffered

injury on her left arm and other parts of the body, whereas complainant suffered injury on his back and leg, Gurdas Singh suffered injuries on his right hand and elbow while Ravinder was given blow by iron rod on his head and hand by Jasbir Singh, while Surjit Singh was attacked by Sukhwinder with a stick and rod on his back and his clothes were torn, and Jasbir and Kamaljit attacked Balkar Singh with sticks, bricks and stones.

4. Learned counsel contends that a perusal of the FIR makes it crystal clear that no injury is attributed as having being inflicted by the petitioner on the complainant or any member of his family, beside, family member of the petitioner accused namely Neelam had registered FIR No.276 Annexure P/3 dated 16.08.2020 under Sections 148, 149, 323, 427, 452, 506 of IPC at Police Station Chandimandir against the complainant party for entering house of the accused party and causing severe injuries to her son and brother-in-law and after inflicting rod blow on the head of brother-in-law and on seeing blood oozing out, they went back to their home, that the complainant party had previously also attacked them for which FIR No.215 of 2020 had been registered at Police Station Chandimandir, besides a Kalendra had also been registered qua another attack on the house of the accused and that the complainant in the instant case were repeatedly attacking the house of the petitioner accused.

5. Learned counsel contends that the instant FIR is a case of version and cross-version with FIRs having been registered by both sides, no injury has been attributed to the petitioner, the petitioner is an old man and it is apparent that his name has been mentioned solely to rope in all family members. Learned counsel further contends that earlier the petitioner was on regular

bail, but on addition of offence under Section 307 of IPC and not being able to get anticipatory bail, the petitioner surrendered before the Trial Court, that investigation is complete and now the petitioner is in judicial custody since 09.03.2021 and challan is yet to be presented, trial is likely to take considerable time to conclude, therefore, no useful purpose would be served by keeping the petitioner behind bars especially in view of the circumstances prevailing on account of Corona Virus Pandemic.

6. Learned Addl. A.G. Haryana does not dispute the factual position of FIRs having been registered by both sides in respect of incident dated 15.08.2020 as also of the accused petitioner side having registered FIR No.215 of 2020 prior to registration of FIR No.276 dated 16.08.2020 against the complainant in the instant case, of the petitioner having surrendered before the learned Trial Court, of the petitioner being 73 years of age, investigation being complete and the petitioner being in judicial lock up since 09.03.2021.

7. I have considered the submissions of learned counsel.

8. In the light of position noted above but without commenting on the merits of the case and taking into account the age of the petitioner as also the fact that no injury has been attributed as having been inflicted by the petitioner and cross FIR's have been registered by the accused petitioner side as well as the complainant side and there are a number of cases registered by the accused petitioner side against the complainant side, conditions prevailing on account of corona virus pandemic, investigation being complete, petitioner being in judicial custody since 09.03.2021, and trial likely to take considerable time, the instant petition for regular bail is allowed. Petitioner is ordered to be released on regular bail during the pendency of the trial on his furnishing bail

bonds and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, provided he is not required in any other case. The petitioner shall also comply with the conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

30.04.2021

rajender

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No