

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

205

**CRM-M-18229-2021
Date of decision: 28.05.2021**

Rahul

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, 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 (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.3 dated 07.01.2021 registered under Sections 148, 323 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short, “the IPC”) at Police Station Satnali, District Mahendergarh to which Sections 325 and 307 of the IPC were added lateron.

The above said FIR was registered on statement of Om Parkash. In his statement Om Parkash alleged that on 06.01.2021 when he was distributing electricity bill in village Nangla, accused Kanwar Singh, Rajender, Pankaj, Gaurav, Rahul, Arun, Urmila and Krishna came armed with lathis, dandas, iron rod, kassi, kulhari and started fencing in his plot. When his wife Kaushalya and his younger brothers

Suresh and Ranjit objected, they did not stop and claimed that the said plot belonged to them. All of them attacked his brother Suresh and Ranjit with lathi, danda, iron rod, kassi and kulhara and caused injuries to them. On getting information about the occurrence, he, Kishan Singh, Ramesh and Rajpal and their family members reached to rescue the complainant party. The above said accused persons caused injuries to him with lathi, danda and slaps and also criminally intimidated them by threatening to kill them.

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

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Kushal Singh, HPS, Deputy Superintendent of Police, Mahendergarh, District Mahendergarh in the Registry of this Court which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the has submitted that the petitioner has been falsely implicated in the present case. The case involves version and cross-version as injuries to five persons from the petitioner side were also caused in the alleged occurrence regarding which FIR No.2 dated 06.01.2021 was registered. The petitioner is alleged to be armed with danda and is alleged to have given blow on the head of Suresh which injury was declared to be simple. Injury caused to Suresh declared to be dangerous to life is attributed to co-accused Pankaj. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. 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 along with his co-accused caused injuries to the complainant and his brothers Suresh and Ranjit. Injury caused to Suresh was declared to be dangerous to life. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, role attributed to him, the fact that the injury declared to be dangerous to life is attributed to co-accused Pankaj and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread 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.

28.05.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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