

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

CRM-M-19053-2021

Date of Decision:-27.5.2021

Sultan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Vimal Kumar Gupta, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

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

Prayer in this petition is for grant of regular bail to petitioner-
Sultan in criminal case having FIR No.224 dated 11.10.2019 registered
under Sections 148, 149, 323, 324, 307, 506 IPC, Police Station Sector 14,
Panchkula.

On notice, the bail application has been contested by the State.
The written reply on behalf of the State has been filed, which is taken on
record.

I have heard counsel for the petitioner as well as the State
counsel.

Counsel for the petitioner contended that the petitioner has been falsely implicated in this case at the instance of complainant-Sumeet @ Vicky. No specific allegations are there in the FIR against the petitioner who is already in custody since 4.3.2021. It is further contended that during the investigation, no incriminating material was recovered from the possession of the petitioner. Furthermore, the investigation has already been completed. The counsel for the petitioner further submitted that due to prevailing COVID-19 pandemic, the trial is not likely to proceed in near future, as charges are yet to be framed by the trial Court.

On the other hand, the State counsel contended that non-applicant Ajay Mental caused injuries to Sumeet @ Vicky in furtherance of the common intention of the petitioner and other accused. The said injuries were found to be dangerous to life of the victim. The State counsel further contended that Ajay Mental is presently lodged in judicial custody, however, the other persons named in the FIR are absconding while Guru Parshad has been released on regular bail. The aforesaid submissions are made by the State counsel on the basis of instructions received from ASI Gurbachan Singh.

I have considered the submissions made by the counsel for the petitioner and the State counsel.

Undisputedly, the petitioner was arrested in this case on 4.3.2021 and presently he is lodged in judicial custody and during investigation no incriminating material was recovered at his instance. Supplementary challan against him has already been presented on 3.5.2021. No specific injury has been attributed to the petitioner by the complainant in

his police statement, on the basis of which the FIR was lodged in the present case. The main accused namely Ajay Mental who attacked the complainant with sword and had caused alleged injuries on his head and left hand, is presently lodged in judicial custody. The other accused namely Guru Parshad, to whom no specific injury was attributed, has already been released on regular bail. Out of total 10 accused, till date only 4 are arrested, the remaining are still absconding. Also charges are yet to be framed against the petitioner. The trial is not likely go ahead in the near future because of the prevailing pandemic situation.

Moreover, in this case offence under Section 307 IPC is attributed against the petitioner only with the aid of Section 149 IPC. Sumeet @ Vicky who sustained injuries in this case, has already been discharged from the hospital. Besides this, the petitioner is having no previous history of crime.

In view of the above, this Court is of the view that no purpose will be served by detaining the petitioner in custody for any further period. Thus without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail and surety bonds, to the satisfaction of CJM/Duty Magistrate, Panchkula.

(KARAMJIT SINGH)
JUDGE

27.5.2021
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No