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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.19217 of 2021 (O&M)

Date of decision: 25.05.2021

Pritam

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. M.S. Dalal, Advocate
for the petitioner.

Mr. Sandeep Moudgill, Addl. A.G., Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.194 dated 22.09.2020, for offence punishable under Sections 323, 324, 506, 34 of the Indian Penal Code, 1860 (in short 'IPC') (Sections 326, 307 IPC added later) registered at Police Station Rajound, District Kaithal.

Counsel for the petitioner, at the very outset, has relied upon the order dated 05.04.2021 passed in CRM-M No.7373 of 2021, vide which the co-accused of the petitioner namely Sanjay, has been granted the concession of regular bail. The operative part of the said order, reads as under:-

“Learned counsel for the petitioner submits that as per allegations in the FIR, complainant Sajjan and his brother Darshan had a dispute regarding money with Pritam. On 20.09.2020, the complainant had gone to house of Pritam to clear accounts of money and after

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sometime, his uncle Ajmer had gone near the house of Pritam in a car. There Pritam, Raju, Mewa and Sanjay were already present and after hatching a conspiracy, they attacked upon them. Pritam exerted to teach him a lesson for accounting the money and inflicted a gandasi blow on his left eye. Thereafter, Pritam and Raju also gave gandasi blow to his uncle Ajmer, which hit on his head. Mewa also gave a danda blow, which his on the shoulder of his uncle.

Learned counsel for the petitioner further submits that the investigation is complete; challan stands presented and the petitioner is in custody since 02.11.2020 and as on today, a period of about 05 months has lapsed and he is not involved in any other case. It is also submitted that there are moot points to be decided during the trial regarding place of occurrence and the manner of causing injuries as well as different CT Scan reports. It is next submitted that in view of the fact that the injured have undergone medical treatment, without prejudice to his right of defence, the petitioner is ready to pay a sum of Rs.1.00 lac by way of two demand drafts favouring victims Sajjan and Ajmer towards their medical expenses.

Learned State counsel, on the basis of custody certificate dated 03.04.2021 filed in the Court today, has not disputed the factual position, however, submitted that the petitioner is attributed the injury, invoking Section 307 IPC.

After hearing learned counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 02.11.2020; he is not involved in any other case and has volunteered to pay a sum of Rs.1.00 lac to both the victims towards their medical expenses, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the

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satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned. This will, however, be subject to the condition that the petitioner will submit two demand drafts to the trial Court/Illaq Magistrate at the time of furnishing bail/surety bonds; one for Rs.60,000/- favouring victim Sajjan and second for Rs.40,000/- favouring victim Ajmer, which will be further handed over to the victims.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has argued that the co-accused of the petitioner, namely Sanjay is the brother of the petitioner and the allegations against the petitioner are similar in nature and the petitioner is also ready to pay an amount of Rs.50,000/- towards the medical expenses of the complainant, without prejudice to his right of defence.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is also submitted that the petitioner is not involved in any other case and he is in custody since 09.10.2020.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner is already released on bail; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

This will, however, be subject to the condition that the petitioner will submit a demand draft to the trial Court/Illaq Magistrate

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at the time of furnishing bail/surety bonds for an amount of Rs.50,000/- favouring the complainant, which will be further handed over to the complainant.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

25.05.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No