

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.20090 of 2021
Date of decision:25.05.2021

Rajpal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.188, dated 21.08.2020, Annexure P-1, registered under Sections 323, 341, 506 IPC (Section 307 IPC added later on) at Police Station City Jhajjar, District Jhajjar.

As per the version of the prosecution, FIR, Annexure P-1, has been registered on the complaint of Mukesh Kumar on the allegation that Rajpal (present petitioner), who is a neighbour to the business premises of the complainant, entered into an altercation with him and his brother on 20.08.2020. Rajpal started abusing them and hit Mahesh, brother of the complainant on his head, waist and shoulder with a brick. The petitioner was arrested on 29.09.2020.

Counsel for the petitioner contends that it is a case of version and cross-version. He has referred to the MLR, Annexure P-2, to submit

that the petitioner had also received injuries. It is his argument that the business premises of the complainant is located in a residential area and unnecessary disturbance is caused by him at all odd hours. He submits that the petitioner was involved in another criminal case but he has been acquitted and, therefore, he has clean antecedents. According to him, investigation is complete, the challan has been presented and the petitioner is no longer required for custodial interrogation. He submits that due to restricted functioning of the Courts due to resurgence of the virus, trial is not progressing.

Learned State counsel upon instructions from ASI Ashok Kumar, has opposed the petition. He submits that six injuries were caused to Mahesh and by referring to MLR, Annexure P-3, he contends that injuries No.1 and 3 have been opined by the doctor to be dangerous to life. As per his instructions, challan has been presented on 24.12.2020, charge stands framed on 18.03.2021 and the trial is fixed for 31.05.2021, though none of the prosecution witnesses have been examined till date.

I have considered the rival submissions of the parties.

Keeping in view, the nature of allegations, gravity of offence, period of incarceration of the petitioner and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

25.05.2021

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No