

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20579-2021

DATE OF DECISION: MAY 27, 2021

PARDEEP

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SUBE S. KAUSHIK, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Pardeep has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.322 dated 12.10.2020, under Section 147, 149, 302, 323, 427, 506 IPC, Police Station Uchana, District Jind. The petitioner is in custody since his arrest on 8.11.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Jind in the order dated 23.3.2021, are as under:-

“As per the prosecution case, on 11.10.2020 at about 9.30 PM in the area of village Kakrod, within the jurisdiction of Police Station Uchana, applicant/accused along with other co-accused duly armed with deadly weapons i.e. rod etc. formed an unlawful assembly and in prosecution of common object of such unlawful assembly voluntarily caused hurt to Sanjay and Smt. Bimla Devi and also caused injury to deceased Mohan Lal due to which he expired on 19.10.2020. They also committed mischief by causing damage to the Motorcycle, which was parked in the house of the complainant.”

Learned counsel for the petitioner contends that as a result of matrimonial dispute between Sanjay and Reena, the mother of Reena alongwith other relatives came to the house of Sanjay and caused injuries and in the said occurrence, Mohan Lal, father of Sanjay died. Learned counsel has pointed out that the fatal blow causing death of Mohan Lal has been attributed to co-accused Tarsem, whereas the petitioner being his cousin was said to be present at the spot and was empty handed. According to him, the petitioner has not caused any injury to the deceased, therefore, his further custody is not necessary as the investigation of the case is complete. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Kuldeep Singh has opposed the aforesaid prayer on the ground that the petitioner is named in the FIR and participated in the crime. He submits that the petitioner alongwith other accomplices had come prepared to cause injuries to Sanjay and other family members. However, it is not disputed that the investigation of the case is complete.

After considering the above background, this Court is of the opinion that though the investigation is complete, but the trial is yet to commence and there is no possibility of its conclusion in near future. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the State governments of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would further delay the conclusion of trial. Admittedly, the petitioner is not involved in any other case of similar nature. Thus, the

further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 8.11.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

May 27, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No