

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-20713 of 2021
Date of decision:28.05.2021

Joni

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Namit Khurana, 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.

The petitioner is seeking regular bail in case FIR No.3 dated 03.01.2021 registered under Sections 148, 149, 307, 323, 341, 452, 506, 509 of Indian Penal Code, 1860 and Sections 3(2)(V) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 at Police Station Ladwa, District Kurukshetra.

As per the version of the prosecution, FIR (Annexure P-1) came to be registered on the complaint of Mukesh Kumar alleging that Balwinder, Raj Kumar, Tilli, Rajat, Sumit and Joni (present petitioner) alongwith 6-7 other boys with muffled faces attacked the complainant and

his family members and inflicted injuries upon them.

Counsel for the petitioner contends that though the petitioner is named in the FIR but he is alleged to have carrying wooden stick. It is his argument that the offences under Section 307 of IPC and Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 are not made out against the petitioner. He submits that the petitioner, who is in custody since 04.01.2021 and has clean antecedents, deserves to be enlarged on bail as the investigation is complete, challan has been presented and the trial is likely to take time.

Per contra, State counsel upon instructions from DSP Bharat Bhushan has opposed the petition and submitted that wooden stick has been recovered from the petitioner. As per his instructions, the petitioner caused three injuries to Rajesh. However, he could not deny the fact that all the three injuries were declared to be simple in nature. Upon further instructions, he submits that challan has been presented on 04.03.2021 and the case is fixed for 16.09.2021 for consideration of the framing of the charge.

I have considered the rival submissions of the counsel for the parties.

Keeping in view the above facts and circumstances, nature of allegations, the gravity of offence, period of incarceration of the petitioner and the fact that trial is likely to take time due to spread of contagion, 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 his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

May 28, 2021
savita

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>