

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(203)

CRM-M-21006-2021

Date of decision: 02.06.2021

Arun and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sandeep Kumar Yadav, Advocate
for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

...

SUVIR SEHGAL, J. (ORAL)

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

Petitioners have filed the instant petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.3 dated 07.01.2021 under Sections 148, 149, 323 and 506 of the Indian Penal Code, 1860 and Sections 325 and 307 of IPC were added later on, registered at Police Station Satnali, District Mahendergarh.

As per the version of the prosecution, FIR (Annexure P-1) has been registered on the complaint of Om Parkash, wherein he has stated that eight persons, who were armed, attacked him and his brothers Suresh and Ranjit. It has been alleged that the three petitioners were part of the unlawful assembly and caused injuries to them.

Counsel for the petitioners submits that the accusation against the petitioners are that they caused injuries to Om Parkash and Ranjit with wooden sticks, which have been declared to be simple in nature. Counsel submits that the injuries caused on head of Suresh, which have been declared to be dangerous to life, have been inflicted by Pankaj, who has been granted interim protection by this Court vide order dated 05.04.2021 (Annexure P-3). Counsel submits that co-accused-Rahul, who had lodged the cross case (Annexure P-2) on 06.01.2021, has been released on regular bail by this Court vide order dated 28.05.2021 passed in CRM-M-18229-2021. Counsel submits that the petitioners, who have clean antecedents and are in custody since 22.02.2021, are no longer required for custodial interrogation, as the investigation is complete and the challan has been presented.

Per contra, State counsel upon instructions from SI Harish, has opposed the petition. Counsel submits that the wooden sticks by which injuries have been inflicted have been recovered from the three petitioners. State counsel, however, could not deny the factual aspect as argued by counsel for the petitioners. As per his instructions, challan stands presented on 13.05.2021 and the next date before the trial Court is 09.06.2021, though, the charge is yet to be framed.

I have considered the rival submissions of the parties.

On a prima facie view of the matter, this Court is of the opinion that the petitioners deserve to be enlarged on bail. It is yet to be determined as to who is the aggressor.

Keeping in view the above facts and circumstances, period of incarceration of the petitioners, nature of allegations, gravity of offences and the fact that the trial is likely to take time due to spread of contagion, no useful purpose would be served by keeping the petitioners behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioners, Arun, Kanwar Singh and Rajender, are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned 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

02.06.2021
Kamal

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