

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM-M-22529-2021
Date of decision: 05.08.2021**

ABHISHEK @ GHAPLU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. K.L. Saini, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video
conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.110 dated 28.02.2021 registered under Sections 148, 323, 324 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station City Jind, District Jind to which Section 326 of the IPC was added later on.

The petition has been opposed by the learned State counsel in terms of short reply filed by way of affidavit of Jitender Singh, Deputy Superintendent of Police, City Jind.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Initially the FIR was registered under Sections 148, 323, 324 and 506 read with

Section 149 of the IPC and Section 326 of the IPC was added subsequently but the injury, caused with sharp edged weapon which was declared to be grievous and which is attributed to the petitioner, being on fingers of left hand of injured/complainant-Som was not on any vital part. The petitioner is in custody since 26.03.2021. The trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that in view of nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the role attributed to him and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.08.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No