

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

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**CRM-M-26300-2021
Decided on : 19.07.2021**

Meetu

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Vivek Goyal, Advocate
for the petitioner(s).

Ms. Gaganpreet Kaur, Asstt. AG, Haryana
assisted by SI Raghubir Singh.

Mr. Munish Dev Sharma, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 81, dated 12.03.2021, under Sections 148, 149, 323, 354-A, 427, 458, 506 (later on added Sections 34, 325, 308, 307 of IPC) (subsequently at the time of presenting of challan Sections 148, 149 & 308 IPC were deleted), registered at Police Station Kurukshetra University, District Kurukshetra.

Learned counsel for the petitioner while drawing the attention of this Court to the allegations levelled in the FIR in question, submits that he has been attributed a simple injury with a danda on the person of the complainant. Learned counsel further submits that the petitioner has been in custody since 20th March, 2021 and only challan stands presented as on date. He has further submitted that the similarly situated co-accused i.e. Sawan, who has been attributed an iron rod blow on the right knee of the

complainant's brother, has since been extended the concession of regular bail by this Court vide order dated 29.06.2021 (Annexure P-4). Therefore, keeping in view the facts and circumstances of the case and the injury attributed to him, which was opined was to be simple in nature, he be extended the concession of regular bail.

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. She has, however, not been able to controvert the role attributed to the petitioner. She has further submitted that the charges have not yet been framed and they are likely to be framed on the next date of hearing.

On a query put to the learned State counsel as to whether the injury attracting the mischief of Section 307 IPC was attributed to the petitioner, she has replied in the negative and submitted that the said injury has been attributed to the co-accused Kala.

Learned counsel appearing on behalf of the complainant has vehemently opposed the prayer of the learned counsel for the petitioner on the ground that all the accused shared a common intention and the petitioner was armed with a danda at the time of the alleged occurrence. He has submitted that the petitioner inflicted a danda blow on the back of the complainant. He has, however, admitted that the said injury was opined to be simple in nature.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been in custody since 20th March, 2021, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near

future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 19, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*