

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

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**CRM-M-28346-2021
Decided on : 09.08.2021**

Gaurav alias Babar

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Ms. Vaishali Kamboj, Advocate
for the petitioner(s).

Ms. Gagandeep Kaur, Asstt. AG, Haryana
assisted by HC Anil.

MANJARI NEHRU KAUL, J. (Oral)

This is the third petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 585, dated 19.08.2020, under Sections 323, 324, 34, 341, 506 of IPC (Section 326 added later on), registered at Police Station City Sonipat, District Sonipat.

On a pointed query put to learned counsel for the petitioner, as to what was the material change in circumstances, which would warrant entertaining the instant petition, learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition on 24th March, 2021, charges have been framed.

Learned counsel for the petitioner further submits that the petitioner has been in custody since 02nd September, 2020 for allegedly inflicting an iron blow on the forehead of the complainant, which was opined to be grievous in nature. Learned counsel further submits that the co-accused has since been extended the concession of bail by this Court vide order dated 14th January, 2021. A prayer, therefore, has been made to

enlarge the petitioner on bail, as there is no likelihood of the trial concluding anytime in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from HC Anil, has not been able to controvert the role attributed to the petitioner in the FIR in question. However, she has submitted that the case of the co-accused, who has already been extended the concession of bail, is distinguishable with that of the petitioner, inasmuch as, the co-accused has not been attributed any injury in the occurrence in question. She has further submitted that the prosecution evidence is likely to commence in the near future.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 02nd September, 2020 and only charges have been framed so far, 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. 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

August 09, 2021

J.Ram

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