

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

104

**CRM-M-23828-2020
Date of decision : 22.01.2021**

Pappu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sunil Sihag, 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 grant of regular bail to the petitioner in case FIR No.94 dated 20.03.2020 registered under Sections 147, 148, 323, 324, 326, 341 and 342 read with Section 149 of the Indian penal Code, 1860 (for short 'the IPC') in Police Station Ellenabad, District Sirsa.

The petitioner being in custody since his arrest has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Sh. Jagat Singh, HPS, Deputy Superintendent of Police, Ellenabad, District Sirsa.

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 along with his entire family. The complainant under the influence of liquor entered into the house of the petitioner, tried to outrage modesty of his wife Savitri and with bad intention manhandled her who suffered injury including the injury on her chest and her clothes were also torn in the incident. Later on the complainant concocted a false version for saving himself from legal action. There is no specific attribution to the petitioner in the FIR regarding causing of any particular injury. As per the prosecution version the petitioner was armed with stick. The injury attracting Section 326 of the IPC is not attributed to the petitioner and the same is attributed to co-accused Amar Singh who has been granted regular bail by learned Additional Sessions Judge, Sirsa. The petitioner is in custody since 16.06.2020. Trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has submitted that during investigation, the petitioner was found to have actively participated in the occurrence. 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, role attributed to him and also the fact that trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19, but

the concession of regular bail to the petitioner.

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

22.01.2021

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(ARUN KUMAR TYAGI)
JUDGE

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