

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205/2

CRM-M-26963-2020

DATE OF DECISION: 01.07.2021

ABHEY

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Jasdev Singh Mehndiratta, Advocate and
Mr. Rao Ajender Singh, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana

Mr. R.S. Mamli, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.150 dated 14.04.2020, under Sections 147, 149, 323, 302, 506, 188 (Section 216 IPC added later on), registered at Police Station Khol, District Rewari.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR wherein 8 persons have been specifically named. He was arraigned as an accused on the supplementary statement of complainant recorded on the basis of videography of the incident after one month and ten days wherein it is stated that the petitioner was also present at the place of occurrence. He further contends that no injury has been attributed to him. The deceased Bholu Ram had suffered two injuries on his head which are lacerated wounds and abrasions on his hand which are attributed to the co-accused Sube Singh who was allegedly armed with an iron rod. Three other persons had received two simple injuries each. The alleged incident is stated to have taken place when the complainant party which had purchased the land from the co-sharers had tried to take possession of the same. The land had not been partitioned. The petitioner was unarmed and had allegedly caught hold Sunda Ram who had suffered two simple injuries. He is in custody for over 1 year and 2 months is not involved in any other case. He also contends that the

co-accused Anita had been granted regular bail by this Court in CRM-M-28684-2020 on 19.11.2020.

Learned State counsel, upon instructions from ASI Dinesh, contends that challan has been filed but charges are yet to be framed. He, however, contends that in view of the serious allegations against the petitioner, the petitioner is not entitled to the concession of regular bail.

Learned counsel for the complainant has also contended that in view of the serious allegations against the petitioner having participated in the commission of the crime with the other accused, he is not entitled to the concession of regular bail. He also states that the petitioner had also hurled a brickbat which hit the injured Manphool.

Heard.

In view of the above, especially when no injury is attributed to the petitioner, he is in custody for over 1 year and 2 months, he is not involved in any other criminal case, the co-accused has been granted regular bail, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

01.07.2021

SwarnjitS

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