

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

222

CRM-M-27363-2020
Date of decision: 11.01.2021

Sarbati and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ajay Kripal Singh, Advocate
for the petitioners.

Mr. Sukhbeer Singh, Asstt. A.G. Punjab
for the respondent-State.

Mr. Ankur Lal, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioners-**Sarbati and Roshani** have filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.174 dated 22.04.2020 registered under Sections 147, 148, 149, 323 and 506 of the Indian Penal Code (for short 'the IPC') at P.S. Tosham, District Bhiwani to which Sections 307 and 302 of the IPC were added later on.

The petitioners, who are in custody since 06.05.2020, have filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Varun Singla, IPS, Assistant

Superintendent of Police, Tosham, District Bhiwani, Haryana filed in the Registry which is taken on record.

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for the complainant and have gone through the relevant record.

Learned counsel for the petitioners have submitted that the petitioners have been falsely implicated in the case which is a cross version of case FIR No. 192 dated 01.05.2020 registered under Sections 147, 148, 149, 323, 325 of the IPC at P.S. Tosham, District Bhiwani, in which husband of the petitioner is the complainant. The complainant party was the aggressor and the six members of the petitioner's party have suffered serious injuries at the hands of the henchmen of the complainant party. The petitioners are alleged to be armed with danda. No specific role has been attributed to the petitioners. The petitioners are not alleged to have caused any injury to deceased-Banwari Lal. Even as per the prosecution version injuries alleged caused by petitioners were declared to be simple. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioners in custody. Therefore, the petitioners may be granted regular bail.

On the other hand, learned State Counsel and learned Counsel for the complainant have submitted that the petitioners along with their co-accused attacked the complainant party and caused injuries to Banwari Lal, Hoshiar Singh and Savita. Banwari Lal succumbed to the injuries caused to him. Recovery of dandas was made from the petitioners. In view of the nature of accusation and

gravity of the offences, the petitioners do not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the above referred facts and circumstances of the case, nature of accusation and evidence against the petitioners, the fact that the petitioners are not alleged to have caused any injury to deceased Banwari Lal and injuries attributed to them were simple, the period of their custody and also the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

In view of the above, the petition is allowed and the petitioners-**Sarbati and Roshani** are 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.

11.01.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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