

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

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**CRM-M No. 33386 of 2020
Date of decision :07.09.2021**

Sandeep Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sagar Aggarwal, Advocate for the petitioner.
Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J.

Case is taken up for hearing through video conferencing.

Prayer in this petition is for grant of regular bail in case FIR No. 167 dated 13.11.2019 registered under Sections 307, 324, 201, 506, 34 IPC, 1860 and under Section 25 (1B)(b) of Arms Act, 1959 at Police Station Dandh, District Kaithal.

Learned counsel for the petitioner states that vide order dated 21.12.2020, a co-ordinate Bench of this Court have directed the trial Court to record the statement of the injured. The statement of the injured had been recorded and even injured in his statement before the trial court, appearing as a prosecution witness, have stated that the petitioner have caught hold of him from the back side and the injury has been inflicted by co-accused Ankush. The petitioner is a student aged 25 years and is 70 per cent disabled. Injury under Section 307 IPC is not attributed to the petitioner.

On the other hand, learned State Counsel while opposing the bail application has submitted that though there are serious charges against the petitioner and the co-accused Ankush but the allegations against Sandeep Kumar-petitioner is that he has caught hold of the injured from the back side and the kidney of the injured was removed because of the injury attributed by a knife.

I have heard the learned counsel for the parties.

No injury has been attributed to the petitioner who is in custody since 02.12.2019. Even the injured, who had stepped into the witness box stated that the petitioner had caught hold of him from the back side. The petitioner is not involved in any other case. No useful purpose would be served by keeping the petitioner behind the bars. Further, keeping in view the prevailing situation of Covid-19 pandemic, the trial is unlikely to conclude any time soon.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

07.09.2021

Rajeev (rvs)

**(HARNARESH SINGH GILL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No