

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

103

CRM-M-33747-2020 (O&M)

Date of decision: 26.02.2021

Sandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. R.K. Hooda, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

Mr. D.P.S. Bajwa, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

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

CRM-5728-2021

For the reasons mentioned in the application, the same is allowed as prayed for and affidavits of compromise dated 17.02.2021 of injured and the complainant are taken on record.

CRM-M-33747-2020

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.13 dated 25.01.2020 registered under Sections 307, 323, 328, 341 and 201 read with Section 34 of the Indian Penal Code, 1860 at Police Station Garhi, District Jind.

The above said FIR was registered on statement of Pritam Singh who inter alia alleged that on 24.01.2020 at about 11 O' clock when he was at home accused Sandeep and Kuldeep came on motorcyle

with Sukhdarshan sitting in between them and saying that they had given poison to Suukhdarshan and beaten him threw him from the motorcycle and fled from the spot. Sukhdarshan was taken to Suryvodya Hospital, Hisar and was provided the requisite treatment. The police investigated the case, arrested the petitioner and co-accused and on completion of investigation filed the charge-sheet.

The petitioner, who is in custody since 06.03.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Tahir Hussain, Deputy Superintendent of Police, Narwana, Jind.

The complainant has also put in appearance before this Court through his counsel. However, the complainant has not opposed the petition.

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

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. There was no specific role or injury attributed to the petitioner. The prosecution version is highly improbable. If the petitioner and his co-accused had administered poison to Sukhdarshan then they would not have taken care to drop him at his house. No poisonous substance was given by the petitioner to Sukhdarshan. The alleged offences are not made out against the petitioner. The matter has also been compromised with the complainant and injured Sukhdarshan. The trial is likely to take long

time due to restrictions imposed to prevent the spread of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that in view of nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Learned Counsel for the complainant has admitted the factum of compromise and submitted that the complainant has no objection if the petitioner is granted regular bail.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, role attributed to him, compromise affidavits of the injured and the complainant and the fact that the trial is likely to take the 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 petitioner.

In view of the above, the petition is allowed and the petitioner is 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.

26.02.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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