

**201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-36671-2020

Date of Decision: 22.04.2021

SHIV NAHAR @ CHANDAN

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.S. Madaan, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab.

Mr. Sandeep Arora, Advocate
for the complainant.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

Status report by way of an affidavit of Sukhjinder Singh, PPS Assistant Commissioner of Police, Jalandhar and custody certificate have been circulated through email and the same are taken on record.

Shiv Nahar@ Chandan-petitioner is seeking regular bail in the case bearing FIR No.130 dated 13.07.2020, under Sections 307, 452, 379, 323, 324, 326, 148 and 149 of the IPC, registered at Police Station Division No.3, Jalandhar.

Briefly, the case has been registered on the basis of the statement made to the police by Abhishek @ Gandhi alleging that on 13.07.2020 at about 6:00 PM, 7-8 persons armed with weapons forcibly entered into the house and inflicted injuries upon him and his father, namely, Neeraj Kumar. Jatin Matu, armed with Datar, Pankaj armed with Datar, Kaku armed with Khanda, Shivam

London armed with Khanda, Nitin armed with Punch and Shiv Nahar (petitioner) armed with Khanda along with 1-2 unidentified persons had inflicted injury upon the complainant and his father. Pankaj had inflicted datar blow on the right hand of the father of the complainant. Kaku inflicted kirpan (sword) blow on the left side of the head of the complainant, Shivam London gave khanda blow on the left arm and backside of the complainant, the petitioner inflicted Dati Khanda blow on the left arm of the complainant and Nitin inflicted injury by means of punch on the forehead and body of the complainant. An alarm was raised and the assailants slipped away and they took a sum of Rs.20,000/- of the complainant.

It has been contended by the learned counsel for the petitioner that his arrest was effected on 13.07.2020 and the injury under Sections 307 and 326 of the IPC has not been attributed to him. It is not a case where the wrist of the father of the complainant was chopped off. The investigation of the case is complete. Challan has already been presented, the case has been committed and the charges have been framed. The petitioner has been attributed simple injury on the left arm of the complainant, which falls under Section 323 of the IPC. The petitioner is about 18 years of age and is not involved in any other case

Learned State counsel, on instructions from ASI Amrik Singh, has not been disputed the aforesaid facts, but has argued that two of the co-accused are absconding. Furthermore, the injury on the person of the father of the complainant is serious one and still the surgery is required for further management as per the report received from Ganga Hospital, Jalandhar city.

In the event, any of the co-accused is absconding, he will suffer the consequences for evading the process of law, but that may not be a sufficient circumstances to decline the concession of bail to the petitioner, particularly

because the injury under Sections 307 or 326 of the IPC has not been attributed

to him. It is not a case where the wrist of the father of the complainant was chopped off, though, he is under discomfort and undergoing treatment but it is significant to note that the petitioner is in custody for the last more than nine months. The investigation of the case is complete and the conclusion of the trial is likely to take some time due to restricted hearing of the Courts due to Covid-19 pandemic and in the light of resurgence of the pandemic.

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

The petition is allowed accordingly.

22.04.2021

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(VIVEK PURI)
JUDGE

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