

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

203

CRM-M-37249-2020 (O&M)

Date of Decision: 23.06.2021

BALWAN ALIAS BALWANT

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Ms. Upasana Dhawan, A.A.G. Haryana.

Mr. Mohit Bishnoi, Advocate for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

CRM-7241-2021

Application is allowed, as prayed for.

Documents Annexures C-1 to C-3 are taken on record, subject to
all just exceptions.

Registry is directed to tag the same at an appropriate place.

CRM-M-37249-2020

Through this petition filed under Section 439 Cr.P.C., the
petitioner seeks grant of regular bail in case FIR No.94 dated 27.02.2020 under
Sections 148, 149, 323, 324, 506 IPC (Sections 326, 307, 379-A IPC and
Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 added subsequently) registered at Police Station City Fatehabad,
District Fatehabad.

Learned counsel for the petitioner submits that in the present case, injury No.1 was declared grievous in nature by the Medical Officer on 06.06.2020 and thus, Section 326 IPC was added subsequently. He further submits that as per the version of the complainant, the present petitioner gave an iron rod blow on the head of the victim/injured-Atma Singh and that it is a case of version and cross-version.

Learned counsel for the petitioner further submits that both the parties have received the injuries; that the petitioner has been in custody since 16.08.2020 and that the co-accused, namely, Zile Singh, Raj Kumar and Suresh Kumar, have already been granted the concession of bail.

On the other hand, while opposing the prayer for grant of regular bail, learned State counsel assisted by learned counsel for the complainant submits that it is a case of Section 307 IPC. They further submit that entire occurrence has been recorded in the CCTV camera and the photographs of the same have also been placed on record.

Learned State counsel on instructions from ASI Vijay further submits that charge under Section 307 IPC has already been framed against the petitioner and now the case is fixed for 09.09.2021 for prosecution evidence and that there are total 22 prosecution witnesses. She further submits that as per the status report, the petitioner has abused the complainant in the name of his Caste.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 16.08.2020. There is no other case against the petitioner. Prosecution evidence is yet to start. Further, keeping in view the prevailing situation of Covid-19 pandemic, the trial of the

case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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 bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate, and further subject to payment of Rs.25,000/- by the petitioner to the victim/injured-Atma Singh.

23.06.2021

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

: *Yes/No*

Whether reportable

: *Yes/No*