

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

102-2

**CRM-M-36852-2020
Date of decision: 18.02.2021**

Narender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gurmohan Singh Bedi, Advocate
for the petitioner.

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

Mr. Nagar Singh, Advocate for
Mr. Anirudh, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

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

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.186 dated 23.05.2020 registered under Sections 148, 323, 325, 341 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Sadar Balabgarh, District Faridabad.

The above said FIR was registered on statement of Jai Parkash. In his statement Jai Parkash alleged that on 17.05.2020 when he along with Dinesh, Khem Chand and Ajay was returning from the wedding of his brother, accused Dinesh, Narender (the petitioner), Abhishek, Anuj, Deepak, Bahadur, Sourabh, Mahipal and Parveen and 5-6 other persons with muffled faces came in two cars and attacked

them with sticks and iron rods. Accused Narender (the petitioner) held out a gun and threatened to kill them while others started attacking them with rods and sticks. They caused injuries to Dinesh and broke both of his legs and kept inflicting injuries with rods and sticks till he became unconscious on which they thought that Dinesh had died and the assailants left while threatening them with dire consequences.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Prithvi Singh, Assistant Commissioner of Police, Tigaon, Faridabad in the Registry of this Court which is taken on record.

The petition has also been opposed by learned Counsel for the complainant. However, no reply has been filed by the complainant.

I have heard arguments addressed by learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case due to previous enmity. The complainant party had lodged another FIR No.82 dated 20.05.2020 under Section 148, 307 and 506 read with Section 149 of the IPC and Section 25 of the Arms Act, 1959 against the petitioner and others in Police Station Tigaon. The petitioner has been exonerated by the police in that case. Initially in the MLR only two injuries on the person of Dinesh were mentioned but subsequently in his discharge summary given by the private hospital another injury involving fracture of the ribs and tear in spleen was incorporated by manipulation. Initially Section 307 of the IPC was added alleging the said injuries to

be dangerous to life but subsequently Section 307 of the IPC was deleted on the basis of opinion of the Medical Board.

Learned Counsel for the petitioner has, on instructions from the petitioner, also submitted that without in any manner admitting the occurrence and without prejudice to his rights/defence in the case the petitioner is ready to compensate injured Dinesh by payment of Rs.1 lakh subject to final order to be passed in the case by the trial Court.

Learned Counsel for the petitioner has further submitted that the petitioner is in custody since 13.10.2020. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

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

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, role attributed to the petitioner, the fact that all the offences alleged to have been committed by the petitioner are triable by Judicial Magistrate First Class and also that the trial is likely to take long time due to restrictions imposed to prevent the spread 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.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on deposit of Rs.1 lakh by way of account payee bank draft in the name of injured Dinesh son of Lachhi Ram as undertaken and furnishing of personal bond with bond of one surety to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. Needless to observe that the deposit of the amount of Rs.1 lakh by the petitioner shall not imply any admission of alleged occurrence on his part and shall be without prejudice to his rights/defence and subject to final order to be passed by the trial Court. On deposit of the amount by way of bank draft as aforesaid, the same shall be given to injured Dinesh who shall be entitled to encash the same subject to the condition that in case of acquittal of the petitioner, injured Dinesh shall be bound to refund the amount to the petitioner.

18.02.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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