

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

136

CRM-M-38352-2020

Date of decision: 07.01.2021

Subhash

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kunal Dawar, Advocate
for the petitioner.

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

Mr. Gaurav Aggarwal, 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 short, "the Cr.P.C.") for grant of regular bail in case FIR No.235 dated 03.08.2020 registered under Sections 147, 148, 323 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Khedki Dula, Gurugram to which Sections 307 and 325 of the IPC were added lateron.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Dr. Hitesh Yadav, HPS, Assistant Commissioner of Police, Manesar, Gurugram in the Registry which is taken on record.

Mr. Gaurav Aggarwal, Advocate has put in appearance on

behalf of the complainant and he undertakes to file his power of attorney in the registry.

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 present case. The petitioner was not present at the spot and was not involved in the commission of the alleged offences. Even as per the allegations made in the FIR, no specific role has been attributed to the petitioner. The injury declared to be dangerous to life is attributed to co-accused Suresh. The petitioner is in custody since 29.09.2020. The trial is likely to take long time due to restrictions imposed to prevent the 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 the petitioner actively participated in the commission of offences and caused injuries to Ram Babu, Narinder and Rajeev including injury caused with gandasa on the head of Ram Babu which was declared to be dangerous to life. 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.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that

injury declared to be dangerous to life is attributed to co-accused Suresh and also the fact 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.

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.

07.01.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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