

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

106

**CRM-M-38541-2020
Date of decision: 15.01.2021**

Naveen Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Veena Hooda, Advocate
for the petitioner.

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

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.97 dated 09.08.2020 registered under Sections 323, 452 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Machhroli, District Jhajjar to which Section 307 of the IPC was added lateron.

The petition has been opposed by learned State Counsel in terms of status report filed by way of affidavit of Naresh Kumar, HPS, Deputy Superintendent of Police, District Jhajjar on behalf of respondent-State in the Registry which is taken on record.

Learned Counsel for the petitioner has submitted that the

petitioner has been falsely implicated in the present case. The petitioner was arrested in the case on 29.09.2020 and was granted bail by the Court of Illaqa Magistrate, Jhajjar vide order dated 30.09.2020. The petitioner did not misuse the concession of bail. The petitioner was re-arrested on 09.10.2020 on subsequent addition of Section 307 of the IPC to the FIR. Injury caused to Mintu @ Manish which was declared to be dangerous to life is attributed to co-accused Parveen. 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 has submitted that in view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. The petitioner is involved in five other cases out of which in two cases he has been acquitted but he is facing trial in three cases. 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 caused to Mintu @ Manish which was declared to be dangerous to life is attributed to co-accused Parveen 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.

15.01.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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