

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

105

CRM-M-39033-2020(O&M)

Date of decision: 28.01.2021

Sandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, 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.360 dated 28.11.2019 registered under Sections 147, 148, 149, 323 and 307 of the Indian Penal Code (for short 'the IPC') at Police Station Siwani, District Bhiwani.

The petitioner, who is in custody since 06.09.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. There was undue

unreasonable and unexplained delay of 8 months in lodging of the FIR as the alleged incident took place on 21.03.2019 but the present FIR was lodged on 28.11.2019. The present FIR was lodged as counter blast to FIR No.71 dated 22.03.2019 registered under Sections 148, 149, 323, 341, 307 and 506 of the Indian Penal Code, 1860 at Police Station Siwani, District Bhiwani to which Section 302 of the IPC was added later on. As per the allegations made in the FIR, the petitioner was armed with laathi. General allegations as to causing of injuries by the petitioner and others have been made in the FIR and no specific injury is attributed to the petitioner. As per statements made under Section 161 of the Cr.P.C. the injury declared to be dangerous to life attracting Section 307 of the IPC is attributed to co-accused Dinesh. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and 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 the petitioner along with his co-accused caused injuries to Jagdish and others. The complaint regarding the occurrence was submitted to the police on 27.03.2019 and the police took time to verify the facts and there is no unreasonable delay in lodging of the FIR. 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 role attributed to him particularly the fact that the injury caused to Jagdish

declared to be dangerous to life is not attributed to the petitioner and also the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection 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.

28.01.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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