

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

219

CRM-M-39031-2020

DATE OF DECISION: 01.12.2021

JAGBIR SINGH

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ashok Kumar Sharma (Bhana), Advocate for the petitioner.

Mr. Anant Kataria, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.307 dated 16.09.2019, under Sections 302, 323 read with Section 34 IPC, registered at Police Station Sadar Jind, District Jind.

Learned counsel for the petitioner contends that it is alleged in the FIR that co-accused Vikas, who was armed with a 'danda', had given blow on the head of the deceased. Co-accused Vikas is in custody. He further contends that petitioner is the father of co-accused Vikas and has been involved because of this relationship. No specific injury has been attributed to the petitioner in the FIR. It is only stated that after the deceased had fallen down, the petitioner and other accused had given blows with legs, fists, danda and bricks. In the post-mortem report, the deceased had only received three injuries which are reproduced hereunder:-

“1. Lacerated wound of size 5 x 2 cm present and left parietal region of head with underlying bone found to be fractured intracranial bleeding present.

2. Scalp hematoma (large) of size approximately 11 cm x 9 cm involving the right parietal and occipital region of head. On further dissections intracranial bleeding present and depressed fractures of underlying bone present.

3. Lacerated wound of size 1 cm 2 1 cm present on right eyebrow with underlying bone intact.”

He further contends that the petitioner is in custody for over 2 years and 2 months since his arrest on 18.09.2019 and does not have criminal antecedents.

Learned State counsel, upon instructions from ASI Monika, contends that 10 out of 16 prosecution witnesses have been examined. He also contends that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

Heard.

In view of the above, especially when no specific injury has been attributed to the petitioner in the FIR, he is in custody for over 2 years and 2 months, he does not have criminal antecedents, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

01.12.2021

SwarnjitS

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