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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.39882 of 2020 (O&M)

Decided on: 07.01.2021

Kashmir Chand

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amit Chaudhary, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.297 dated 13.08.2020, for offence punishable under Sections 323, 341, 506, 34 of the Indian Penal Code, 1860 (in short 'IPC') (Section 307 IPC added later) registered at Police Station Sadar, District Fatehabad.

Counsel for the petitioner has argued that as per the allegations in the FIR, the petitioner has caused a simple injury to the victim Sahab Singh whereas the co-accused of the petitioner namely Prem Chand has caused grievous injury to the injured Labh Singh, which was later on, found to be an injury under Section 307 IPC.

Counsel for the petitioner has further submitted that the petitioner is in custody since 16.09.2020; he is not involved in any other case and it will take some time in conclusion of the trial due to COVID-19 situation.

CASE HEARD THROUGH VIDEO CONFERENCING

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is also submitted that challan stands presented.

Without commenting anything on merits of the case, considering the fact that the petitioner is attributed an injury to one of the victim on his non-vital part; challan stands presented; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

07.01.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No