

207.

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

CRM-M-41736-2020

Date of decision: 08.02.2021.

PARGAT SINGH

... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Lupil Gupta, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana,
with HC Sukhdeep Singh.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.188 dated 09.08.2020 registered under Sections 323/324/506 of IPC (Section 326 IPC added lateron) at Police Station Kalanwali, District Sirsa, during the pendency of trial.

The allegation against the petitioner is that he attacked the complainant and inflicted injuries on the forehead with brick and on the knee with iron patti and fled away after advancing threats to kill.

Counsel for the petitioner submits that the petitioner is in custody for about 5 months and 18 days and challan has been presented.

Though there are other FIRs against the petitioner, as referred in para 7 of

the petition, but in FIR No.348 dated 10.12.2014, under Sections 323, 341, 342, 452, 506 IPC, Police Station Kalanwali, he has been acquitted by the learned trial Court vide judgment dated 01.08.2015. Similarly, in FIR No.246, dated 02.09.2016, under Sections 34, 379 of IPC, Police Station Kalanwali, District Sirsa, he has been acquitted by the trial Court vide judgment dated 19.04.2017. In other FIR No.87 dated 13.05.2015 under Section 25/54/59 of Arms Act, Police Station Ding, District Sirsa and FIR No.28 dated 12.02.2018 under Section 24/54/59 of Arms Act and Sections 147, 148, 149, 285, 323, 324, 325, 326, 341, 506 of IPC, Police Station Kalanwali, District Sirsa, he is on bail. Challan in the case has been presented and trial will take long time as Covid-19 pandemic has adversely affected the court proceedings.

Learned State counsel submits that considering the other cases registered against the petitioner, he is not entitled to be admitted on bail.

I have heard learned counsel for the parties.

The present case was registered on the basis of statement of Kulbir Singh, the complainant in the case, for offence under Sections 323, 324 and 506 IPC with the allegation that the petitioner has inflicted injuries on the complainant, as the complainant has got a case registered against the petitioner for committing theft.

Considering the fact that the offences in the case are triable by Magistrate and the petitioner is in custody for 5 months and 18 days, challan in the case having been presented and trial is not likely to be concluded in the near future, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

08.02.2021
sanjeev

Whether speaking/reasoned	Yes/No.
Whether Reportable:	Yes/No.