

**(202-4) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-41265-2020

Date of Decision:24.03.2021

Som Nath @ Somi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr. S.S. Duhan, Advocate
for the petitioner.

Mr. K.S. Thakur, A.A.G. Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 Pandemic.

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the petitioner in FIR No.165 dated 24.05.2020 registered for the offences under Sections 323, 34, 452, 506 of IPC (Section 307 IPC was added subsequently) at Police Station Bhuna District Fatehabad.

The FIR has been registered on the complaint of Sahaj Pal Singh on the allegations that he is a vegetable vendor and on 18.5.2020 an altercation took place between him and the family of the petitioner on account of non-tethering of his cow. The petitioner as well as the ladies of his families attacked him and caused injuries on his person.

Counsel for the petitioner submits that the petitioner belongs to the scheduled caste community and the FIR has been falsely registered

against him and his family as is apparent from the fact that the alleged incident is of 18.05.2020 and the FIR came to be registered on 24.05.2020. He further submits that the wife of the petitioner has submitted a complaint dated 24.08.2020 (Annexure P-2) to the Home Minister, Haryana, highlighting the atrocities being committed on the family. His submission is that allegation against the petitioner is of inflicting injuries to the complainant on his head with the axe blow from blunt side from which it can be adduced that there was no intention to cause death. Counsel further submits that the petitioner was initially arrested on 29.05.2020 and was released on bail, but on addition of offence under Section 307 IPC, he was re-arrested on 04.07.2020 and is in custody since then. Counsel urges that investigation in the case is complete; challan has been presented and the petitioner is no longer required for custodial interrogation.

Opposing the petition, learned State counsel submits that very fact that the petitioner had used an axe to attack the complainant shows that he had an intention to cause grievous injury and cause death of the complainant. As per his instructions, injury no.1 inflicted on the complainant is attributed to the petitioner which, as per the medical opinion, has been declared to be grievous in nature. According to him, challan has been presented on 15.09.2020 but the charges are yet to be framed.

I have considered the submissions of the counsel for the parties.

Keeping in view the period of incarceration of the petitioner which by now is more than eight months, the nature of allegations levelled against him, gravity of offence and the fact that the challan has been filed and the trial is likely to take time to conclude, the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction

of the concerned trial Court/Illaqa Magistrate/Duty Magistrate.

Criminal miscellaneous petition is allowed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

24.03.2021
rajeev

(SUVIR SEHGAL)
JUDGE

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