

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

223

CRM-M-42182-2020

Date of decision: 12.01.2021

Ravinder

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rajesh Nain, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, 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. 412 dated 22.06.2020 registered under Section 397 of the Indian Penal Code, 1860 at Police Station Sadar Hisar, District Hisar.

As per the prosecution version, in the intervening night of 21-22.06.2020, Complainant-Dharambir was assaulted by 6-7 boys, his hand was fractured and he was hit with an iron object on his chest and head. The assailants looted his mobile phone and purse containing Rs.5,000/-, driving licence, Aadhar Card and two ATM cards and fled away. Pursuant to registration of FIR on statement of the complainant, the police investigated the case and arrested the petitioner and his co-accused Sandeep.

The petitioner, who is in custody since 05.07.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent State in terms of reply filed by way of affidavit of Narain Chand, HPS, Deputy Superintendent of Police, Hisar-2 filed in the Registry which is taken on record.

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 was not named in the FIR and has been falsely implicated in the supplementary statement of the complainant. The petitioner was not present on the spot and did not commit any offence. The recovery of danda was allegedly made from him. Similarly placed co-accused Sandeep alias Kali has been granted bail by the Co-ordinate Bench vide order dated 28.10.2020. 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 allegations made against the petitioner are very serious and the petitioner is also involved in one more case. In view of the gravity of accusation, 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, grant of bail to similarly placed co-accused and 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.

12.01.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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