

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

215

CRM-M-42422-2020 (O&M)

Date of decision: 15.02.2021

Sunil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Chanderhas Yadav, 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.)

CRM-31582-2020

For the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing certified copies of statement of complainant-Vikram and identity card of the petitioner and typed copy/photocopy of the same are taken on record as Annexures P-23 and A-24 .

CRM-M-42422-2020

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.95 dated 19.06.2020 registered under Sections 147, 148, 323, 325 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Bond Kalan, District Charkhi Dadri to which Sections 302 and 307 were

added later on.

The above said FIR was registered initially under Sections 147, 148, 323, 325 and 506 read with Section 149 on statement of complainant-Vikram. In his statement Vikram alleged that on 16.05.2020 at about 08:00 A.M. when they went to their plot to restrain Balwant Singh, his three sons, two daughters-in-law, two grandsons, Meena, Ajay and Rohit and Savitri from forcibly raising construction on the same, the above said persons attacked them and caused injuries to him, his father, elder paternal uncles Suraj Bhan and Balbir and his brother Ashish, cousin Arun and his mother Chandro Devi. Subsequently, on receipt of medical opinion as to injury on the person of Suraj Bhan being dangerous to life Section 307 of the IPC was added and on his death Section 302 of the IPC was added.

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

The petition has been opposed by the respondent-State. However, no reply has been filed by learned State Counsel.

Mr. Vijay Sangwan, Advocate has appeared on behalf of the complainant and filed his power of attorney through e-mail print out of which is taken on record.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. Although the petitioner was named in the FIR registered on statement of

complainant-Vikram but no specific injury was attributed to the petitioner in the FIR. In his supplementary statement the complainant had implicated the petitioner to have caused injury on his head with Basoli. The said injury was declared to be simple in nature. The petitioner is not alleged to have caused any injury to deceased-Suraj Bhan. Deceased-Suraj Bhan suffered only one injury on his head which is attributed to co-accused Amit. The petitioner party also filed complaint before the Judicial Magistrate First Class and on his direction the police registered FIR No.147 dated 28.08.2020 regarding the cross-version. The trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel and learned Counsel for the complainant have argued that the petitioner had actively participated in commission of the offences. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In the present case the fatal injury caused to deceased Suraj Bhan attracting Section 302 of the IPC is attributed to co-accused Amit. Injury allegedly caused by the petitioner to complainant-Vikram was declared to be simple. Keeping in view the facts and circumstances of the case, involvement of version and cross-version, nature of accusation and evidence against the petitioner, specific overt-acts/role attributed to him and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread 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.

15.02.2021
Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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