

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43084-2020

Date of Decision: 04.01.2021

Neeraj @ Golu

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ajay Arora, Advocate for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.203 dated 13.07.2020 registered under Sections 323/324/341/506/34 IPC (Section 326 IPC added later on) at Police Station Ellenabad, District Sirsa. The petitioner is in custody since his arrest on 12.08.2020.

The FIR was registered on the basis of complaint given by Ravi Kumar and the allegations as noticed by the Addl. Sessions Judge, Sirsa in the order dated 27.10.2020 are as under:

“Necessary facts of the bail application are that the present case has been registered on the statement of complainant Ravi Kumar son of Krishan Kumar, who inter-alia stated that on 12.07.2020 at about 12 noon petitioner-accused and Chinu attacked upon him with Datar, etc. and inflicted injuries on his body. When he made hue and cry then petitioner-accused along with Chinu went from there after giving threat to him.”

Learned counsel for the petitioner contends that initially the FIR was registered for the offences punishable under Sections 323/324/341/506/34 IPC and the offence punishable under Section 326 IPC

was added later on. He has pointed out that the investigation of the case is

complete, as the final report has been filed and, therefore, the further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel assisted by SI Jagmender, has opposed the prayer on the ground that the petitioner is involved in other cases as well. However, it is not disputed that the offence punishable under Section 326 IPC was added later on and the final report under Section 173 (2) Cr.P.C. stands filed.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the trial is likely to take some time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 12.08.2020., therefore, his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Sirsa.

The petition is allowed.

04.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No