

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

212

**CRM-M-42809-2020
Decided on : 07.01.2021**

Ankit

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Ivneet Singh Pabla, Advocate
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana
assisted by ASI Shivcharan.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 152, dated 03.08.2020, under Sections 307, 323, 325, 341, 34 IPC and Section 3(2)(V) of SC/ST Act, registered at Police Station Dhand, District Kaithal, Haryana.

Learned counsel for the petitioner submits that the petitioner was allegedly armed with a wooden stick at the time of the alleged occurrence and the only role attributed to him is of inflicting a stick blow on the head of the injured Vikas. It has been submitted that a perusal of the FIR reveals that stick blow, which was inflicted on the head of the injured Vikas near the parietal region attracting the mischief of Section 307 IPC was initially attributed to the co-accused Gurmukh Singh, who has since been extended the concession of bail by the trial Court. Learned counsel for the petitioner further submits that it is after a gap of 28 days from the date of the alleged occurrence, injured Vikas came up with a contrary version and attributed the injury on the parietal region to the petitioner. Lastly, it has been prayed that since the petitioner has been in

custody since 11.08.2020 and only challan has been presented till date, there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. However, he has not been able to controvert the factual aspect of the submissions made by the learned counsel for the petitioner with respect to the contrary versions put forth by the complainant in the FIR in question and by the injured Vikas.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 07, 2021

J.Ram

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