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

CRM-M-42989-2020

Date of decision-06.01.2021

Parveen

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vikram Singh, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Vivek Goyal, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.1046 dated 28.12.2018 registered under Sections 323, 506, 427, 379-B and 307 read with Section 34 Indian Penal Code, 1860 and Section 25 Arms Act, 1959 at Police Station Assandh, District Karnal. The petitioner is in custody since his arrest on 05.11.2020.

The FIR was registered on the statement of Rajender son of Sh.Balbir Singh and the allegations as noticed by learned Additional Sessions Judge, Karnal in order dated 11.12.2020 read as under:-

“In brief, the allegations against the applicant accused as per police reply are that on 27.12.2018, the complainant Rajinder @ Raju presented an application to the effect that in village Para there is a Hatchery by the name of Veer Agro in which mother of Narinder and one Ramesh are partners. All the business is handled by Narinder and Sudhir, who is silent partner

of Narinder and has made a huge investment in the firm. For several days, there were differences between Sudhir and Narinder regarding the accounts of the firm and whenever Sudhir demanded his money which he had invested in business, Narinder used to put off the matter. He is working in the Hatchery as a helper and to several Panchayats, he had also supported the demand of Sudhir for payment of account of which Narinder nursed a grudge against him. On 27.12.2018 at about 09.15 pm Narinder alongwith Parveen (present applicant-accused) and Raju came to the Hatchery and started inflicting beatings upon him. He was given slaps and fists blows and when he took out phone from his pocket in order to call the police, then Narinder gave him a slap and snatched his phone of make OPPO, whereas Parveen (present applicant-accused) and Raju also inflicted beatings upon him. When he tried to run away from the spot, then Narinder alongwith his companions fired two gun shots at him with the intention to kill him but on account of darkness he managed to escape. All the said persons were also threatening to kill him and Sudhir. A prayer was made to take necessary action against the culprits. On the basis of said statement and after obtaining MLR of the injured, the present FIR was registered under Sections 323, 506, 427, 379-B, 307, 34 of IPC and 25-54-59 Arms Act.”

Learned counsel for the petitioner contends that as per the allegations, petitioner along with co-accused Raju gave slaps and fists blow to the victim, whereas other injuries were caused by another co-accused- Narender. He has pointed out that after initial investigation, the offence punishable under Sections 379-B and 307 IPC were deleted and the petitioner was found innocent. However, after further investigation by SIT, a

under Sections 379, 307 IPC and at that stage, the petitioner was extended the concession of interim pre arrest bail by the Additional Sessions Judge vide order dated 01.09.2020. He submits that the said application was later withdrawn by the petitioner on a belief that he has been declared innocent, however, he was arrested on 05.11.2020. He has further invited the attention of the Court to the order dated 25.02.2019 (Annexure P-3), whereby similarly situated co-accused Rajesh @ Raju has been released on bail. He prays that the petitioner be released on bail during the pendency of the trial.

The prayer is opposed by learned counsel appearing on behalf of the complainant on the ground that the petitioner along with other co-accused influenced the investigation and managed deletion of the offences. He submits that the weapon of offence belongs to the petitioner and therefore, he does not deserve the concession of regular bail. He further submits that the petitioner has been extending threats to the complainant.

At this stage, Mr. Vikram, learned counsel has pointed out that since the petitioner is in custody, there is no question of extending threats to the complainant. He has argued that as per the prosecution, weapon was used by his co-accused-Narender, who is yet to be arrested.

Learned State counsel assisted by ASI Parveen Kumar has also opposed the prayer on the ground that the petitioner participated in the occurrence which resulted into injuries to the complainant, however, it is not disputed by the learned State counsel that earlier the petitioner was found innocent but subsequently he was arrested and sent to face trial.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete, however, charges are yet to be framed. 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 05.11.2020 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

06.01.2021		(MANOJ BAJAJ)
vanita		JUDGE
Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No