

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

(Through Video Conferencing)

CRM-M-43060-2020

Date of Decision: 04.01.2021

ASHOK

.....Petitioner

V/s.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Sansar Kundu, Advocate,
 for the petitioner.

 Mr. Rajiv Goel, Deputy Advocate General, Haryana.

 Mr. Ayush Gupta, Advocate,
 for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.209 dated 15.09.2020 registered under Sections 307, 323, 452, 506 of the Indian Penal Code, 1860 at Police Station, Julana, District Jind, Haryana.

Learned counsel for the petitioner contends that a fabricated case has been foisted on him which is evident from the fact that there was a delay of almost three days in the registration of the FIR. He further submits that as per the MLC report (Annexure P-2), the doctor had noted that the injured-Krishan had fallen from the stairs as a result of which he had lost consciousness and received injuries. He further submits that the petitioner has been in custody since 04.10.2020 and charges have not yet been framed, hence, there is no likelihood of the trial Court concluding in the near future.

Per contra, learned counsel appearing on behalf of the State, on instructions from ASI Ashok, as well as the complainant while opposing the prayer and submissions made by learned counsel for the petitioner, have submitted that the petitioner inflicted *lathi* blows on the person of injured-Krishan as a result of which he sustained various injuries including one on the left parietal region which was opined to be dangerous to life. He has further conceded the fact the petitioner is not involved in any other case, much less, under the Indian Penal Code, 1860.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 05.10.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. The present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 4, 2020

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>
<i>Whether Reportable</i>	:	<i>Yes / No</i>