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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.43986 of 2020 (O&M)

Decided on: 07.01.2021

Inderjeet @ Sohna

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ravi Malik, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.111 dated 10.03.2020, for offence punishable under Sections 148, 149, 323, 307, 506 of the Indian Penal Code, 1860 (in short 'IPC') and 25/54/59 of the Arms Act, registered at Police Station Quilla, Panipat, District Panipat.

Counsel for the petitioner has relied upon the order dated 01.10.2020 passed in CRM-M No.16887 of 2020, vide which regular bail was granted to the co-accused of the petitioner namely Heera Singh, by passing the following order:-

“Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Som Dutt, it is stated that on the eve of Holi, when he and his friend Vijender were sitting in a vacant plot, petitioner Heera Singh came there and started abusing him. He was sent back from there and thereafter, he came back along with Chetan, Sohna, Ayub and other 10-15 unknown persons. Sohna was having a pistol in his

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hand and other boys were having dandas/lathis in their hands and they started challenging the complainant's side. On hearing the noise, Balram came there and thereafter, Sohna fired shots upon Balram which hit on his leg. The other boys also caused injuries to complainant's side with dandas/lathis and thereafter, they fled away from the spot.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 13.03.2020; challan stands presented and even the main accused, namely Sohna, has been arrested by the police on 13.09.2020.

Learned counsel for the petitioner volunteers that petitioner is ready to deposit an amount of Rs. 20,000/- with the Illaqua Magistrate, which may be paid to victim Balram towards his medical expenses, without any prejudice to the right of defence of the petitioner.

Learned State counsel submits that petitioner is involved in one more case under Sections 307 and 379-B of the IPC, however, he is on bail in that case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody for the last more than six months; investigation is complete and also in view of the fact that petitioner has volunteered to pay a sum of Rs. 20,000/- to victim Balram for medical expenses, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, the petitioner will deposit a sum of Rs. 20,000/- with the trial Court/Illaqua Magistrate/Duty Magistrate at the time of furnishing bail/surety bonds, which will be further handed over to victim Balram, without any prejudice to the right of defence of petitioner.”

Counsel for the petitioner has further submitted that though, as per the allegations in the FIR, the petitioner has caused injury to Balram with a fire-arm, however, considering the fact that he is in custody since 19.05.2020, the petitioner is ready to deposit an amount of Rs.25,000/- with the Illaqa Magistrate, which may be paid to the victim – Balram towards his medical expenses without prejudice to

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his right of defence.

Counsel for the State has not disputed the factual position and argued that challan stands presented, however, no prosecution witness has been examined, so far. It is also submitted that the petitioner is involved in one more case, however, he is on bail in the said case.

Without commenting anything on merits of the case, considering the fact that petitioner is in judicial custody since 19.05.2020; investigation is complete; no PW has yet been examined and also in view of the fact that petitioner has volunteered to pay a sum of Rs.25,000/- to the victim Balram for medical expenses, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, the petitioner will deposit a sum of Rs. 25,000/- with the trial Court/Illaqua Magistrate/Duty Magistrate at the time of furnishing bail/surety bonds, which will be further handed over to the victim Balram, without any prejudice to his right of defence.

(ARVIND SINGH SANGWAN)
JUDGE

07.01.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No