

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

CRM-M No. 51693 of 2021

DATE OF DECISION : 16.12.2021

Jitender Singh @Daik

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

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

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

This is third foray of the petitioner before this court, seeking regular bail in FIR No. 456 dated 13.12.2019, registered under Sections 148, 149, 323, 324, 452, 506 IPC (Sections 148 and 149 IPC deleted and Sections 34, 325, 326 IPC added later on) at Police Station Madhuban, District Karnal.

2. Per FIR, on 13.12.2019, ruqa was received in the police station regarding admission of injured Ashok Kumar in hospital on account of injuries sustained by him in a fight. Upon receiving ruqa, HC Nirmal Singh along with other police officials reached Government Hospital, Karnal and after obtaining opinion from the doctor, recorded the statement of injured who deposed to the effect that on 12.12.2019 at about 8.00/8.30 p.m., he was sitting inside his shop and at that time, accused

Jitender @ Daik (present petitioner) armed with *gandasi*, Ricky alias Rinku armed with sword, Tinku, Hawa Singh, Maha Singh and Rajbir @ Raj armed with *bindas* attacked him. Petitioner Jitender Singh @ Daik gave *gandasi* blow on the left hand of injured and other accused also inflicted injuries due to which he fell inside the shop. After inflicting injuries, all the accused left the place and while going the petitioner threatened to kill the injured. Injured was taken to hospital by his family members and maternal uncle. On the basis of statement, formal FIR was registered. Investigation was carried out. After obtaining x-ray reports and opinion of the doctor, Sections 325/326 IPC were added. Accused were arrested.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the case. He further submits that FIR has been registered as a counter blast to FIR No.310 dated 03.09.2019 under Sections 148, 149, 323, 325, 452, 506 IPC which was got registered by the accused persons against the complainant/injured. No independent witness was joined.

4. Learned counsel further contends that petitioner is in custody since 19.12.2019. Investigation has already concluded and challan has been presented. He submits that no useful purpose would be served by keeping the petitioner in preventive custody any more.

5. Learned counsel also submits that on the grounds of parity also, petitioner is entitled to concession of regular bail as his co-accused, namely, Vishal @ Ala has already been granted regular bail by the Court of learned Additional Sessions Judge, Karnal vide order dated 12.02.2020 and co-accused Rinku has also been granted regular bail by this Court

vide order dated 04.08.2020 passed in CRM-M-18868 of 2020 (Annexure P-5).

6. Per contra, learned State counsel opposes the bail petition and submits that grievous injury has been attributed to the petitioner as he hit the complainant with *gandasi* on his left hand.

7. Learned State counsel on instructions from SI Jasbir Singh further submits that charges were framed against the accused on 31.01.2020. Out of nine witnesses, one witness has already been examined and the next date fixed before learned trial Court for recording remaining evidence of the prosecution is 23.12.2021. He further submits that the petitioner was convicted and sentenced to undergo imprisonment for a period of 03 years by the Principle Magistrate, Juvenile Justice Board, in FIR No.160 dated 09.06.2012 registered under Sections 302, 201, 34 IPC, Police Station Madhuban, vide order dated 31.05.2014.

8. I have heard rival contentions of the respective learned counsels.

9. The trial is not likely to conclude soon in view of the situation arisen due to the current pandemic situation. The investigation is already over and charges have been framed. The case before the trial court is now fixed for prosecution evidence.

10. Considering the overall scenario and also granting the concession of parity, without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

11. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned

trial Court where his case is being tried and in case he/she is not available, before learned Duty Magistrate, as the case may be.

12. It is, however, made clear that in case the petitioner is found involved in any other FIR while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

DECEMBER 16, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No