

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM No. M-52193 of 2021
Date of Decision : 08.03.2022

Kuldeep

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Kanwaljit Singh, Senior Advocate with
Mr. Anirudh Singh Shera, Advocate for the petitioner.

Mr. Raj Karan Singh Brar, Addl. Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 988 dated 10.11.2018, registered under Sections 333, 353, 186 IPC (Sections 307, 506, 189, 34 IPC added later on) at Police Station City Ballabhgarh, District Faridabad.

Learned senior counsel appearing on behalf of the petitioner argues that the victim, while being examined in respect of the challan presented against the co-accused, stated that he did not remember as to who was the one, who had inflicted the injuries on his head, due to which Section 307 IPC has been invoked, hence in view of the same the petitioner, who is already behind bars since 06.07.2021 coupled with the fact that the challan against the petitioner has already been presented and the trial is

likely to take some time keeping in view the restricted working of the Courts due to pandemic of Covid-19, the petitioner may be extended the concession of regular bail as the petitioner undertakes not to influence the trial or the witnesses in any manner. Learned senior counsel submits that all the other co-accused are already on regular bail, therefore, the same concession be also extended to the petitioner.

Notice of motion.

Mr. Raj Karan Singh Brar, learned Additional Advocate General, Haryana, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that though it is a conceded position that the other co-accused are on regular bail but the injury due to which Section 307 IPC has been invoked, is attributed to the petitioner hence, the petitioner cannot claim parity with the other co-accused to claim the benefit of regular bail.

Learned senior counsel submits that the argument that the petitioner has been attributed the injury, due to which Section 307 IPC has been invoked, is still to be proved during the trial keeping in view the testimony of the victim himself recorded while appearing before the trial Court in which the victim has stated that as it was dark, he did not know as to who was one, who inflicted the injuries on his head.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of this case, where all the other co-accused are already on bail and as of now the testimony of the victim before the trial Court is that due to the dark, he could not identify

the assailants, who had inflicted the injuries, in respect of which Section 307 IPC has been invoked coupled with the fact that the Courts are working in a restrictive manner due to pandemic of Covid-19 due to which the trial is likely to take some time before it concludes and no useful purpose will be achieved in case petitioner is denied the concession of regular bail, especially when learned senior counsel has undertaken before this Court that petitioner will not influence the trial or the witnesses in any manner.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

March 08, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No