

Law Today Live Doc. Id. 15690

PUNJAB AND HARYANA HIGH COURT

Before: Manjari Nehru Kaul, J.

CRM-M-41055-2020

Decided on: 11.12.2020

Mohit and another

Petitioners

Versus

State of Haryana

Respondent

(Through Video Conferencing)

Present:

Mr. Lalit Kumar, Advocate for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana assisted by SI Mahender.

Indian Penal Code, 1860 (45 of 1860), Sections 147, 148, 149, 323, 325, 307 – Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- Attempt to murder – Regular bail -- Injury attracting the mischief of Section 307 IPC has not been attributed to either of the petitioners – Fit case for grant of the concession of regular bail to the petitioners, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19 -- Petition allowed.

(Para 4-6)

MANJARI NEHRU KAUL, J. (ORAL) –

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No. 125, dated 24.09.2020, under Sections 147, 148, 149, 323, 325 IPC (Section 307 IPC added later on), registered at Police Station Alewa, District Jind.

2. Learned counsel for the petitioners *inter alia* contends that the FIR in question has been registered after a delay of 8 days from the alleged occurrence, which lends credence to a false and fabricated version having been brought-forth by the complainant party. Learned counsel for the petitioners while referring to the injuries allegedly attributed to petitioner No.1 – Mohit, has submitted that that he was allegedly armed with a danda and attributed blows on the waist of Raj Kumar, which was opined to be simple in nature by the attending doctor.

3. While referring to the role of petitioner No.2 – Sonu, learned counsel for the petitioners has submitted that he was allegedly armed with a gandasi and the injury attributed to him is on the waist of the injured Raj Kumar, which too was not opined to be grievous in nature. He has submitted that the injury which was declared dangerous to life was received by injured Bhateri, has not been attributed either of the petitioners, but to co-accused Sandeep. Learned counsel for the petitioner has further submitted that the petitioners have been in custody since 19.10.2020 and trial is unlikely to conclude in the near future, as only challan has been filed till date.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI

Mahender, has submitted that the charges are likely to be framed in the instant case on 24.12.2020 by the trial Court. However, he has not been able to controvert the roles and injuries allegedly attributed to both the petitioners and has conceded that the injury attracting the mischief of Section 307 IPC, has not been attributed to either of the petitioners.

5. Heard.

6. In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioners, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioners are admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

Petition allowed.
