

(2021) 03 P&H CK 0231

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 10207 Of 2021

Kulwinder Singh @ Nanu Virk

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 18-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 148, 149, 201, 307, 323, 324, 325, 379, 411, 506
Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(s), 3(2)V, 3(2)VA

Citation : (2021) 03 P&H CK 0231

Hon'ble Judges : Manjari Nehru Kaul, J

Bench : Single Bench

Advocate : Dharam Bir Bhargav, Rajiv Goel

Final Decision : Allowed

Judgement

Manjari Nehru Kaul, J

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.331 dated 29.06.2020 registered under Section 148, 149, 323, 324, 506 of the Indian Penal Code, 1860 and Section 325, 307, 201, 379 and 411 of the IPC, 1860 and Sections 3(1)(s), 3(2)V, VA of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (Amendment 2015) added later on, at Police Station, Shahbad, District Kurukshetra, Haryana.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR in question. He submits that in fact no overt act has been attributed to him except that he was present at the place of occurrence when the complainant was inflicted injuries by the co-accused. He further submits that the similarly situated co-accused have since been extended the concession of regular bail by this Court. He further submits that the petitioner has been in custody since 12.07.2020 and as the trial is unlikely to conclude in the near future,

therefore, he may be extended the concession of regular bail

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner, however, on instructions from ASI Om Parkash, has not been able to controvert the factual aspect of the submissions made by the learned counsel for the petitioner qua role of the petitioner in the crime in question. He has further submitted that the challan was presented before the trial Court on 09.09.2020 and charges are likely to be framed shortly.

Heard.

In view of the submissions made by learned counsel for the parties and the fact that petitioner has been in custody since 12.07.2020, I deem it a fit case for grant of the concession of regular bail to the petitioner, 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 petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.