

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-16690 of 2015
Date of Decision : 13.7.2015

Sunder @ Surender

.....Petitioner

Vs.

State of Haryana

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr.Bipan Ghai, Sr. Advocate with Mr. Vikas Mohan Gupta,
Advocate for the petitioner.
Mr. Ashish Yadav, Addl. A.G., Haryana.
Mr. Amit Chaudhary, Advocate for the complainant.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks bail pending trial in FIR No.191 dated 31.5.2014 under Sections 148,149, 323, 325, 307, 506 of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Surajkund, Distt. Faridabad.

Learned Senior counsel for the petitioner submits that the co-accused of the petitioner are on bail pending trial. He further submits that the head injury which was found dangerous was not attributed to the petitioner. The injury which was attributed to the petitioner was not found dangerous to life. He further submits that since the prosecution evidence is yet to start, trial will take a long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that as many as 7 fractures were caused on the body of the injured. Petitioner caused head injury on the person of the injured with iron rod, which has been recovered from the petitioner. He further submits that since 15.7.2015 is the next date of hearing before the learned trial court for framing charges, trial will not take a long time. He prays for dismissal of the present petition.

Similarly, learned counsel for the complainant submits that petitioner has been found involved in as many as 11 more FIRs, which shows that he was a professional and habitual offender. He further submits that even after registration of the present FIR, another FIR has been registered against the petitioner, which shows that petitioner is not entitled for bail pending trial.

Faced with the above, learned Senior counsel for the petitioner submits that out of 11 other cases, petitioner has been acquitted in 7 cases and one case has been cancelled. So far as the injuries are concerned, learned Senior counsel for the petitioner submits that the co-accused of the petitioner, who have caused grievous injuries have already been granted the concession of bail pending trial.

Having heard learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this court is of the considered opinion that in the totality of facts and circumstances of the case, noticed herein above, petitioner has not been found entitled for the concession of bail pending trial. It is so said because the petitioner has been found involved in 11 more cases which goes to show that the petitioner is a habitual offender. It is also a matter of record that the petitioner has caused head injury to the injured with an iron rod, which has been recovered from him. Further, since the investigation has

been concluded and report under Section 173 Cr.P.C., has been submitted to the learned court of competent jurisdiction, where the matter is listed for 15.7.2015 for framing of the charges, no delay has been caused in the trial.

In view of the above and without commenting anything on merits at this stage, lest it should prejudice the rights of either of the parties, no case for bail pending trial has been made out.

Dismissed.

13.7.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE