

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

Crl. Misc.No.M- 17779 of 2015(O&M)

Date of Decision: June 4 , 2015.

Tirath Ram

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Surinder Gandhi, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

Prayer in this petition is for bail pending trial to the petitioner in FIR No.33 dated 05.02.2015, under Sections 323/324/506/326/307 IPC, registered at Police Station Kalanaur.

It is contended that initially the FIR was registered for offences punishable under Sections 323/324/452/354B/506 IPC. Petitioner was released on bail. Thereafter, challan/report under Section 173 Cr.P.C. was presented under Sections 307/326/323/324/506 IPC. Offences punishable under Sections 452/354B IPC have been deleted. Petitioner has been falsely implicated in this case which is reflected by deletion of the offences punishable under Sections 452/354B IPC. It is further contended that opinion, Annexure P7, rendered by the Doctor is also cryptic inasmuch as it states that in respect to injury No.2 possibility of it being dangerous to life cannot be ruled out. Applicability of

Section 307 IPC in this case is suspect. Petitioner is in custody since 05.04.2015. There is no other case in which the petitioner is involved. He undertakes not to abuse the concession of bail, if granted. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Learned counsel for the State, on instructions from ASI Jaideep Singh confirms that there is no other case in which the petitioner is involved. However, he submits that the petitioner is attributed with injury which could be dangerous to life thus, opposing the present petition for bail pending trial.

It is verified that challan/report under Section 173 Cr.P.C. has been filed for offences punishable under Sections 307/326/323/324/506 IPC but not under Sections 452/354B IPC.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances but without commenting or expressing any opinion on the merits of the case, this petition filed by Tirath Ram is allowed. Petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the Trial Court/Duty Magistrate.

Any observations made here-in-above shall not be construed to be a reflection on merits of the case and shall have no bearing on trial.

June 4 , 2015.
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(LISA GILL)
JUDGE