

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

CRM-M-21538-2015

Date of decision: 21.07.2015

Gourav

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. J.S. Dahiya, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

Mr. Gaurav Singla, Advocate for
Mr. S.S. Duhan, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.33 dated 12.02.2014 under Sections 148, 149, 427, 323, 307, 506 IPC and Section 25 of Arms Act, registered at Police Station Ladwa, District Kurukshetra.

Learned counsel for the petitioner submits that more than one serious injuries suffered by father of the petitioner have gone totally unexplained by the prosecution. There was no specific allegation against the petitioner except that he was the member of unlawful assembly. In fact, petitioner was not even arrested by the police. However, when he could not appear before the learned trial Court on one date of hearing, his non-bailable warrants were issued. Accordingly, he was arrested on 04.06.2015. Thereafter petitioner is inside the jail. He further submits that petitioner has suffered

enough for his mistake and now he undertakes to attend the Court proceedings on each and every date. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Baldev Singh, State Crime Branch, Panchkula and ASI Surjeet Singh, Police Station Ladwa, District Kurukshetra, submits that petitioner intentionally did not appear before the learned trial Court because of which non-bailable warrants were rightly issued against him and he was accordingly arrested by the police. Similarly, learned counsel for the complainant vehemently opposed the present petition submitting that in view of the conduct of the petitioner, he is not entitled for the concession of bail pending trial. They pray for dismissal of the present petition.

Having heard the 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 the injuries shown to have been suffered by father of the petitioner as per Annexure P-2 at page 17 of the paper book would show that said injuries cannot be self-suffered injuries. It is also not in dispute that police did not arrest the petitioner during the course of investigation but he was arrested in compliance of the non-bailable warrants issued by the learned Court of competent jurisdiction because of absence of the petitioner on the date of hearing before the learned Court of competent jurisdiction. Learned counsel for the petitioner has been found justified in contending that petitioner has suffered enough for his mistake of remaining absent from the Court proceedings.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

21.07.2015
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE