

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

(214)

CRM-M-26833-2015

Decided on: September 07, 2015.

Dalwinder Singh

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Deepak Malhotra, Advocate,
for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

Mr. Fateh Saini, Advocate,
for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of regular bail in a case registered at the instance of complainant Hawaldar alleging that the petitioner along with other co-accused trespassed the house of the complainant and attacked him and his family members armed with 'swords' and 'gandasi' causing grievous injuries. The petitioner is attributed a 'sword' blow causing a fracture on the little finger of the complainant besides a simple injury on the chest.

The first application filed by the petitioner was dismissed by this Court on 09.10.2014 on the ground that there are four other cases pending against him which include a case under Section 307 IPC, a case under Excise Act, a case of hurt and another case under Section 50 of the NDPS Act.

It has been informed that the material witnesses have already been examined and only investigating officer remains to be examined.

Learned counsel for the complainant has opposed the application for bail relying upon observations of the Apex Court in *Ravinder Singh @ Ravi Pavar Vs. State of Gujarat, 2013 (3) R.C.R. (Criminal) 11* to contend that a person who is habitual offender should not be granted the concession of bail.

I have heard learned counsel for the petitioner, learned State counsel as well as learned counsel for the complainant.

The case relied upon by the counsel for the complainant relates a Hooch tragedy in which 205 people had died and 147 persons became injured on account of the spurious liquor supplied by the accused. In that case, the accused was involved in 22 other criminal cases. There is no controversy regarding the proposition that a person who repeatedly indulges in criminal activities should not be granted the concession of bail, but the circumstances of each case are required to be seen for the purpose of determining the release of accused persons on bail during pendency of the case.

In the present case, the petitioner also appears to have received injuries and it is a case of cross-version. Perusal of the police file indicates that MLR of the petitioner was also prepared in which four injuries were suffered by the petitioner. Injury No.2 on the forearm was a grievous injury.

It has been informed that the petitioner has been acquitted in a case under Section 307 IPC on the basis of some compromise having been arrived at between the parties. The chances of tampering with the evidence

at this stage, are remote as the injured and eye witnesses stand already examined.

Taking into consideration the nature of the injury suffered by the complainant i.e a fracture on the small finger, the petitioner can be granted the concession of bail.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that the petitioner will furnish an affidavit at the time of release that he will not indulge in similar activities during pendency of the trial and that in case of any such eventuality, his bail bonds would be liable to be cancelled.

(M.M.S. BEDI)
JUDGE

September 07, 2015
harsha