

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

CRM-M-36691-2015 (O&M)

Date of Decision: November 04, 2015

Randhir @ Dhira

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Pawan Kumar Hooda, Advocate
for the petitioner.
Mr.Sanjay Kumar Saini, AAG, Haryana.

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1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Randhir @ Dhira, son of Sh.Deviya, resident of village Siwah, Tehsil and District Panipat, who has been booked for having committed the offences punishable under Sections 148, 307, 323, 325, and 326 read with Section 149, IPC, and Section 25 of the Arms Act, in a case arising out of FIR No.831, dated 11.07.2015, registered at Police Station, Chandni Bagh, Panipat, District Panipat.

Learned counsel contends that it is a case of version

and cross-version; the petitioner had received an incised wound of 3 ½ inches upon his head besides multiple abrasions; the quarrel had taken place at a petty issue of breaking of an electricity wire installed near the houses of the parties; the petitioner is alleged to have caused the injury by means of a *gandasi* on the head of Sachin, who has already been discharged from the hospital and performing his daily pursuits; which party is aggressor would be decided by the learned trial Court and that the petitioner, who is more than 60 year of age, is behind the bars from 12.07.2015. After completion of the investigation, the charge-sheet (challan) has also been presented before the Court below.

Learned counsel for the State has vehemently opposed the grant of bail to the petitioner on the premise that an injury by means of *gandasi* was inflicted on the head of Sachin (injured), therefore, the petitioner is not entitled to bail. He further submits that the private parties had exchanged hot words on the previous evening of the present occurrence and, as such, the petitioner should not be granted bail.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on

record.

As disclosed during arguments, the petitioner had received an incised wound on his forehead in the same incident; the petitioner is stated to be more than 60 year of age and is behind the bars from 12.07.2015; the investigation qua him is complete; it has also been disclosed that as many as six family members of the petitioner are behind the bars in the present case; the petitioner is the head of the family; there is no other responsible male member in the family of the petitioner to look after the women folk and the animals etc.

In view the totality of the facts and circumstances of the case, the present petition is allowed. Petitioner-Randhir @ Dhira, son of Sh.Deviya, resident of village Siwah, Tehsil and District Panipat, is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate, Panipat.

It is made clear that the observations made hereinabove are for the limited purpose of deciding the present petition only.

November 04, 2015
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(NARESH KUMAR SANGHI)
JUDGE