

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

**Criminal Misc.No.M-38208 of 2015(O&M)
Date of Decision: December 21, 2015**

Mahender Singh Malik

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.N.S.Shekhawat, Advocate,
for the petitioner.

Mr.Pawan Gaur, DAG, Haryana.

Mr.Kuldeep V.Singh, Advocate,
for the informant.

Naresh Kumar Sanghi, J.(Oral)

CRM-40728-2015

Prayer in this application is for placing on record

Annexures P-9 to P-11.

After hearing learned counsel for the applicant and
going through the contents of the application, the same is allowed.
Documents i.e. Annexures P-9 to P-11 are taken on record, subject
to all just exceptions.

CRM-M-38208-2015

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of bail to the petitioner, Mahender Singh Malik, who
has been booked for having committed the offence punishable

under Section 307 read with Section 34, IPC, in a case arising out of FIR No.07, dated 04.01.2015, registered at Police Station, City, Fatehabad.

Learned counsel contends that earlier the petitioner had approached this Court by way of a petition under Section 438, Cr.P.C., for grant of anticipatory bail however, the same was dismissed; the petitioner surrendered before the police on 18.09.2015 and thereafter, the investigation was conducted and the charge-sheet (*challan*) was presented; the case was committed to the Court of Session and after framing of charges, the evidence of the prosecution witnesses is being recorded; since the petitioner, who is aged about 50 years, is Development Officer in the Life Insurance Corporation, it is unlikely that he would run away from the trial; since the present criminal litigation has arisen out of a matrimonial dispute and most of the material witnesses are aggrieved persons, therefore, it is unlikely that the petitioner would be in a position to extend threat or put pressure over them to depose in his (petitioner) favour. He further submits that the grievous injury alleged to have been caused was on non-vital part.

Learned counsel for the State, on instructions from ASI Kuldeep Singh, Police Station, City, Fatehabad, submits that the prosecution has already examined five witnesses and remaining are likely to be examined on 20.01.2016, the date fixed before

learned trial Court. He submits that the petitioner has been charge-sheeted for having committed the offence punishable under Section 307, IPC, therefore, the concession of bail might not be extended to him.

After hearing learned counsel for the parties, this Court finds that the petitioner has been booked for having committed the offence punishable under Section 307, IPC, the grievous injury was on non-vital part of the body; applicability of Section 307, IPC, would be a moot point during trial; the petitioner, who is 50 years old, and working as Development Officer in the Life Insurance Corporation of India, has already suffered for more than three months and as such, the present petition is allowed. Petitioner- Mahender Singh Malik, s/o Ram Kishan, r/o Bima Colony, Fatehabad, Tehsil and District Fatehabad, is ordered to be released on bail during pendency of trial of the present case, subject to his furnishing bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Fatehabad.

It is made clear that in the event, the petitioner indulge in putting influence over the prosecution witnesses then the prosecution/informant would be free to move an appropriate petition for withdrawal of the present concession being granted to the petitioner.

December 21, 2015
seema

(Naresh Kumar Sanghi)
Judge

