

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

Crl. Misc. No. M-42901 of 2014

DATE OF DECISION: 20.02.2015

Kheta Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

**BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

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

Present:- Mr. Jagjit Gill, Advocate  
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

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**DAYA CHAUDHARY, J.**

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 222 dated 10.8.2014 registered under Sections 147, 148, 149, 323, 324, 326 IPC and later on added offence under Section 307 IPC at Police Station Kalanwali, District Sirsa.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case as general allegations are there in the FIR. As per allegations in the FIR, petitioner was having Kirpan in his hands at the time of alleged occurrence but no specific injury has been attributed to him. Injuries were caused to petitioner party and there was a fracture on the head of person from the petitioner side. Co-accused of the

petitioner, namely, Gagandeep Singh, who was named in the FIR and alleged to have lathi in his hands has been granted regular bail by Additional Sessions Judge, Sirsa vide order dated 1.11.2014. Learned counsel further contends that co-accused of the petitioner, namely, Harmel Singh has also been granted anticipatory bail by this Court. Learned counsel also submits that as per statement of injured no person was seen armed, whereas, allegations are there in the FIR that two persons were having pistols in their hands. It is also the argument of learned counsel that not only the contradictions are there in the FIR which doubts the prosecution version but injured is also saying that no injury has been caused to him. The petitioner is in custody since 18.8.2014 and now the case is fixed before the trial Court on 3.3.2015 for presentation of challan qua to Harmel Singh and it will be de novo trial and will take long time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned counsel for the respondent-State submits that the petitioner does not deserve concession of regular bail keeping in view the seriousness of the offence. All the accused were having weapons in their hands and injuries were caused. Individual role is not to be seen in case of offences under Sections 148 and 149 IPC.

Heard the arguments advanced by learned counsel for the petitioner as well as State and have also gone through the contents of the FIR and other documents available on the file.

Admittedly, both the sides have received injuries and as per allegations, all the persons have caused injuries but nowhere it has been mentioned that which injury has been caused by whom except injury attributed to Gurmail Singh, due to which, Sections 326 and 307 IPC were added. Co-accused of the petitioner, namely, Harmel Singh has been

released on anticipatory bail and challan qua to him is likely to be presented and trial may take time to conclude. The petitioner is in custody since 18.8.2014 and no purpose would be served by keeping him behind the bars.

Accordingly, the present petition is allowed. Petitioner-Kheta Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

February 20, 2015  
pooja

**(DAYA CHAUDHARY)**  
**JUDGE**