

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

MUKESH KUMAR SALUJA
2015-04-07 14:42
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CRM-M-6817-2015
Date of decision:06.04.2015

Vikas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Anil Rathee, Advocate for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

Mr.Vikas Chatrath, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.131 dated 3.7.2014 registered under Sections 307/324/506/34 of the Indian Penal Code at Police Station Lakhan Majra, District Rohtak.

Notice of motion was issued.

Learned counsel for the petitioner submits that it is a matter of record that civil litigation is going on between the parties. FIR was lodged as a counter blast to the civil litigation. Initially the FIR was registered for the offences under Sections, 324, 506 and 34 IPC. The petitioner was granted regular bail by the learned trial Court on 13.8.2014. Thereafter, an offence under Section 307 IPC was added after a period of more than four months and petitioner was arrested again on 12.1.2015. He further submits that there is no allegation of misuse of concession of bail earlier granted in favour of the petitioner. Since even the charge has not been framed, trial will take long time and the petitioner deserves concession of bail pending trial.

Learned counsel for the State, on instructions from ASI Ramesh, Police Station Lakhan Majra, District Rohtak, submits that the next date for framing the charge before the learned trial Court is 7.4.2015. He submits that since the injury attributed to the petitioner was found grievous in nature, he is not entitled for bail pending trial.

Similarly, learned counsel for the complainant, while supporting the argument raised by the learned counsel for the State, seeks dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case noticed hereinabove, petitioner deserves concession of bail pending trial. It is so said, because the petitioner was earlier granted regular bail by the learned trial Court. There is no allegation against the petitioner for misusing the concession of bail earlier granted. Civil litigation was going on between the parties. The offence under Section 307 IPC came to be added after more than four months and as a consequence thereof, petitioner was again put under arrest. Charge is yet to be framed and the learned counsel for the petitioner is right in contending that trial will take some time.

Keeping in view the totality of facts and circumstances of the case, the present petition is allowed and the petitioner is ordered to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate, Rohtak.

Disposed of, accordingly.

06.04.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE