

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

MUKESH KUMAR SALUJA
2015.03.18 11:56
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CRM-M-7495-2015
Date of decision:17.03.2015

Gurmail Singh @ Gunga

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Bijender Dhankhar, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No. 222 dated 10.8.2014 registered under Sections 147/148/149/323/324/325/326/307/526/285 IPC and Sections 25/54/59 of the Arms Act at Police Station Kalanwali, District Sirsa.

Notice of motion.

On the asking of Court, Mr. Manoj Kumar Sangwan, DAG, Haryana, accepts notice on behalf of the State.

Learned counsel for the petitioner submits that it was only one injury which was attributed to the petitioner and that comes within the scope of Section 326 IPC. He also places reliance on two orders passed by this Court in CRM-M-42901-2014 (Kheta Singh v. State of Haryana) and CRM-M-42922-2014 (Ranvir Singh v. State of Haryana), to contend that these two co-accused of the petitioner have been granted bail pending trial by this Court. He further submits that another co-accused namely Harmel Singh has been released on bail pending trial. He submits that in the circumstances of the case, petitioner deserves to be released on bail pending trial.

On the other hand, learned counsel for the State, on instructions from ASI Krishan Kumar, Kalanwali, District Sirsa, submits that in fact all the accused came together and gave more than one injury to the injured. Out of the injuries suffered by the injured, one injury was declared dangerous to life. He further submits that under these circumstances, petitioner cannot draw any benefit out of the orders passed by this Court granting bail to the co-accused as the case of the petitioner was on a different footing. He prays for dismissal of the petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that petitioner deserves concession of bail pending trial.

It is a matter of record and not in dispute that two co-accused of the petitioner have been granted the concession of bail pending trial by this Court vide order dated 20.2.2015 in CRM-M-42901-2014 and CRM-M-42922-2014. Petitioner is in custody since 17.8.2014. Prosecution evidence is yet to start and trial will take time in its conclusion. So far as attribution to the petitioner is concerned, a bare perusal of the FIR would show that it was an injury which would come within the scope of Section 326 IPC. It would be seen during the course of trial, as to who caused the injury which would come within the scope of Section 307 IPC.

In view of the above, present petition is allowed and the petitioner is directed to be released on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

17.03.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE