

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-17024 of 2016
Date of Decision: 27.07.2016

Vipin Bajwa & another

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. R.K. Handa, Advocate
for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioners in case FIR No.42 dated 10.2.2016 under Sections 148, 149, 324, 326, 307, 506 IPC and Section 25 Arms Act registered at Police Station Ambala City, District Ambala.

Learned counsel for the petitioners contends that the allegation against the petitioners is that they gave sword blows to the injured, whereas the medico-legal report suggests only one injury to the injured with sharp weapon. Petitioner no.1 is in custody since 16.2.2016 whereas petitioner no.2 is in custody since 12.2.2016. He submits that since trial in the case will take sufficiently long time, the petitioners be released on regular bail.

Learned State counsel, on instructions from ASI Baljeet Singh, submits that there are specific allegations against the petitioners. They were having swords and caused injury to the injured Harshdeep Singh. He submits that in the case in hand, charges have been framed, though no prosecution witness has been examined so far.

I have heard learned counsel for the parties.

As per the allegations against the petitioners, they were having swords in their hands, but there is only one injury. Therefore, the fact as to who gave injury to the injured-complainant with sharp weapon, attracting offence under Section 307 IPC is yet to be established during trial.

Therefore, considering the fact that the petitioners are in custody since 12/16.2.2016 and the trial will take sufficiently long time, the present petition is allowed. The petitioners are admitted on regular bail subject to furnishing of their bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that expression made hereinabove shall not be construed as any opinion on the merits of the case.

July 27, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No