

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-18266 of 2016

Date of decision:- July 22, 2016

Krishan Kumar

.....Petitioner...

Vs.

State of Haryana

....Respondent...

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Pradeep Virk, Advocate,
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

Mr. Arpandeeep Narula, Advocate,
for the complainant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

JASPAL SINGH, J. (Oral)

Present petition has been preferred by Krishan Kumar (now confined in District Jail, Faridabad) under Section 439 of the Code of Criminal Procedure seeking grant of regular bail in case FIR No. 331, dated 06.06.2015, under Sections 323, 324, 307 and 506 IPC, Police Station Hodal, District Palwal (Haryana).

2. It has been *inter alia* contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the instant case. Moreover, injuries have been allegedly caused by the petitioner with knife but during investigation of the case, recovery of "Sua" has been allegedly

effected whereas the injuries inflicted on the person of complainant-Dharambir do not appear to be inflicted with “Sua”. Moreover, almost all the material witnesses have been examined. The petitioner is behind the bars since 02.07.2015. In the given circumstances, he is no more required by the police. He also undertakes to abide by all the terms and conditions imposed by this Court, in case, he is granted the concession of bail,

3. On the other hand, learned State counsel has resisted the petition contending that there are serious and specific allegations against the petitioner, who caused three stab injuries with knife in the abdomen and other parts of the body of complainant-Dharambir. The mere fact that he is behind the bars since 02.07.2015 is itself no ground to enlarge him on bail.

4. This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and has perused the record available.

5. The instant case was registered on the basis of complaint made by Dharambir. He has unfolded that on 02.06.2015 at about 10:00 p.m. when he was returning to his house from his fields and reached near Jat Chaupal, petitioner while armed with knife accompanied by Sukhbir, Vinod and Ravi was found standing there. In order to facilitate Krishan Kumar-petitioner for causing injuries to him, Vinod caught hold of him from his back, then Krishan Kumar inflicted 3/4 knife blows on his abdomen, right shoulder and neck. Immediately, after the occurrence, he was rushed to the hospital where he was medico legally examined. The allegations unfolded by the complainant finds corroboration from the medical evidence i.e. MLR according to which, he sustained stab wounds on his chest, shoulder and

abdomen. All the injuries have been specifically attributed to the petitioner, which have been declared dangerous to life.

6. Taking into consideration the seriousness and gravity of offence complained of against the petitioner, this Court is of the considered view that mere fact that the petitioner is suffering incarceration since the date of his arrest i.e. 02.07.2015, is itself no ground to enlarge him on bail.

7. Dismissed.

July 22, 2016
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(JASPAL SINGH)
JUDGE