

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

**Criminal Misc. No. M-1876 of 2016
Date of Decision:-27.01.2016**

Dinesh

...Petitioner

Versus

State of Haryana

...Respondent

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

1. *Whether reporters of local newspapers 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. N.C. Kinra, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional A.G., Haryana.

HARI PAL VERMA J.(Oral)

This is the second petition under Section 439 Cr.P.C. filed by the petitioner Dinesh son of Hari Ram seeking regular bail in case FIR No.161 dated 4.5.2015, under Sections 323, 324, 307 and 506 read with Section 34 IPC, registered at Police Station Shivaji Colony, Rohtak. The earlier Criminal Misc. No. M-35293 of 2015 filed by the petitioner was dismissed as withdrawn vide order dated 19.10.2015 with liberty to approach the trial Court after recording the evidence of the complainant.

The trial Court vide order dated 18.12.2015 has again dismissed the bail application filed by the petitioner on the premises that

in the FIR, the petitioner has been named and recovery of weapon and opinion of the doctor are against him.

Learned Counsel for the petitioner contends that as per the FIR version, two injuries have been inflicted to the injured namely Anil @ Redu. Injury No.1 has been attributed to Vinod son of Hari Ram and injury No.2 has been attributed to the petitioner Dinesh @ Vicky. Learned counsel further submits that the main injury has been attributed to the co-accused namely Vinod and even in the statement of complainant Anil @ Redu the main injury has been attributed to Vinod. Learned counsel also referred to the application filed by complainant Anil under Section 319 Cr.P.C. for summoning of remaining accused including the main accused Vinod, who was earlier found innocent by the police. Learned counsel has argued that the petitioner Dinesh @ Vicky has been attributed injury No.2, which is merely swelling present over the left side of the face, which has been declared as simple. The petitioner is in custody since 2.7.2015 and trial will take sufficient long time particularly when the complainant has moved an application under Section 319 Cr.P.C. calling for additional accused persons.

Learned State counsel on instructions from ASI Surender Singh has not disputed the fact that the complainant Anil @ Redu time and again has been inflicted injuries by Vinod but he submits that the petitioner has also inflicted injury on the complainant and recovery of scale type iron has been effected from him. In case the petitionere has granted bail, he may influence the trial.

Heard.

Taking into consideration the fact that complainant Anil has

been inflicted the main injury on his head by Vinod not only in the FIR but in his statement as PW5 as well as in the application under Section 319 Cr.P.C., this Court without expressing any opinion on the merits of the case extend the benefit to the petitioner only for the purpose of decision of this application.

Accordingly, the petitioner Dinesh is admitted on regular bail on furnishing of his bail bonds and surety bonds subject to satisfaction of the Chief Judicial Magistrate, Rohtak.

It is made clear that the petitioner shall not hamper the trial and shall not put any pressure on the witnesses.

The observation made herein above shall not construed any expression on the merits of the case and the trial Court shall decide the case on the basis of available evidence on record.

January 27, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE