

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26744 of 2016
DECIDED ON: September 26, 2016

RAM NIWAS AND ANOTHERPETITIONERS..

VERSUS

STATE OF HARYANARESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sukesh K. Jindal, Advocate,
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 of the Code of Criminal Procedure, the petitioners have sought pre-arrest bail in case FIR No. 78, dated 22.04.2016, under Sections 147, 149, 323, 452 and 506 IPC, Police Station Badhra, District Bhiwani (during investigation, the police deleted Sections 147, 149 and 452 IPC and added Sections 307, 341/34 IPC).

2. Though, learned State counsel Ms. Harpreet Kaur has submitted that the petitioners have joined the investigation in compliance of order dated August 05, 2016 passed by this Court, yet, she has contended that petitioner No.1 is an habitual offender and has been attributed a specific injury to Sombir-complainant.

3. An injury, which has been sustained by the injured-complainant on

the head, at the hands of petitioner No.1 has been found to be dangerous to life, which falls within the ambit of Section 307 IPC. However, one fact is proved on record that after the registration of the FIR under Sections 147, 149, 323, 452 and 506 IPC, both the petitioners were arrested but were subsequently released on bail. Subsequent thereto, offences under Sections 147, 149 and 452 were deleted and an addition of Sections 307 and 341/34 IPC was made. As far as offence under Section 307 IPC is concerned, the concerned medical officer has opined that injury appearing on the head of the complainant/injured may be dangerous to life and there is no specific opinion rendered by the concerned medical officer in this regard. There is no specific allegation against petitioner No.2. The investigation in this case is complete and challan is likely to be presented shortly.

3. Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits, especially with regard to an offence under Section 307 IPC, the petition is allowed and order dated August 05, 2016 is made absolute and shall enure during the pendency of trial but subject to the conditions provided under Section 438 (2) Cr.P.C.

September 26, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*