

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-3770 of 2016  
DECIDED ON: August 19, 2016

MANISH KUMAR

....PETITIONER..

VERSUS

STATE OF HARYANA

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sunil K. Nehra, Advocate for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

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JASPAL SINGH, J.

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure, the petitioner has sought concession of bail, in case FIR No. 175, dated 03.03.2015, under Sections 323, 324, 307 and 506 IPC, Police Station Sadar Hisar, District Hisar, during the pendency of trial.

2. In short, the case of the prosecution as unfolded by complainant-Mainpal is that on 03.03.2015 at about 11:30 P.M., he and his family members were talking about the planning of marriage of his sister. At that time, they heard noise of their uncle from the room being used for tying their cattles, where he was sleeping, upon which, he as well as his maternal uncle, maternal aunt went towards the room and spotted that Manish Kumar-accused was inflicting repeated blows with sickle (Pharsa), which has resulted into infliction of injuries on the head, face and ear of his uncle (Ramesh).

3. The contention of learned counsel for the petitioner is that the

petitioner has been falsely implicated in the instant case, who is otherwise, behind the bars since 04.03.2015. Even otherwise, none of the injuries appearing on the person of Ramesh was found to have been dangerous to life. Thus, an offence under Section 307 IPC is not attracted. Trial of the case will take sufficient long time and no useful purpose will be served by keeping the petitioner behind the bars for an indefinite period. Moreover, there is no apprehension that the petitioner will abscond during the course of trial. He is also ready to furnish bail bonds/surety bonds and to abide by all other terms and conditions, in case, he is granted the concession of bail.

4. On the other hand, learned State counsel has strongly opposed the bail petition submitting that there are specific allegations against the petitioner that he while armed with sickle (pharsa) gave repeated blows on head, face and ear of Ramesh and also extended threats to his life. Learned State counsel has further contended that due to sustaining of multiple fractures and deformity, at the hands of the petitioner, injured-Ramesh remained unable to make statement for about 27 days of the occurrence. Thus, in view of the seriousness and gravity of offence complained of against the petitioner, he does not deserve the concession of bail.

5. This Court has considered the various submissions made by learned counsel for the parties and has perused the records available.

6. From the facts and circumstances narrated above, it is clear that injured-Ramesh, uncle of the complainant, sustained multiple fractures and suffered deformity, at the hands of petitioner, who could be able to make statement to the police after about 27 days of the occurrence. Thus, there are serious and specific allegations against the petitioner.

7. Taking into consideration the seriousness and gravity of offence complained of against the petitioner, this Court is of the considered view that no case is made out to grant the concession of bail to the petitioner. Accordingly, petition stands dismissed.

August 19, 2016  
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(JASPAL SINGH)  
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No