

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-39256 of 2015 (O&M)
Date of Decision: 15.01.2016

Wahid

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. Anmol Malik, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.188 dated 26.4.2015 under sections 323, 506, 34 I.P.C (section 307 I.P.C was added later on), registered at Police Station, Punhana, District Mewat.

Learned counsel for the parties have been heard.

The occurrence is stated to be of 26.4.2015. Injured in the occurrence is Khalid. Allegations are against the present petitioner namely Wahid as also his father. Initially FIR was registered under sections 323, 506, 34 I.P.C.

As per M.L.R dated 26.4.2015 the injuries suffered by Khalid were opined to be- Injury No.1-grievous in nature and Injury No.2-simple in nature.

Petitioner was initially granted benefit of interim bail.

It so transpires that a second opinion has been sought on 13.8.2014 i.e. almost four months from the date of occurrence and in which a second opinion has been rendered that the injury suffered by Khalid and

attributed to the present petitioner is dangerous to life. This has led to adding of offence under section 307 I.P.C.

Petitioner was arrested on 28.8.2015 and is in custody since then.

Even perusal of the FIR would reveal that it is not a case of inter gang rivalry. It was an incident that occurred on the spur of the moment.

Investigation in the case having been completed, challan already stands presented and charges have been framed on 29.10.2015. The trial is stated to be at the initial stage and would take time to conclude.

In an overview of the matter and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of regular bail.

Present petition is, accordingly, allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Mewat.

It is, however, clarified that the observations contained in this order are confined only as regards consideration of the prayer of the petitioner for grant of regular bail and would have no bearing on the merits of the case.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

15.01.2016
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