

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-44552 of 2016

Date of Decision: 21.12.2016

Balwant

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Vishal Garg, Addl.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.77 dated 5.5.2014 under Sections 148, 149, 323, 324, 506 IPC and Section 307 IPC (Added later on) registered at Police Station Nagina, District Mewat.

Learned counsel for the petitioner argues that the incident in question took place on 30.4.2014 whereas the present FIR was registered on 5.5.2014 and it is only on 25.6.2014, offence under Section 307 IPC was added. The police after investigating the matter, found the petitioner innocent vide report dated 29.10.2014, however, on the basis of report

dated 11.11.2014 prepared by the DSP, the petitioner was found guilty and thus, the petitioner is custody since 20.2.2016. He submits that the petitioner has been attributed injury on the forehead of injured Chiranji Lal, who is father of the complainant. He further states that the other co-accused of the petitioner namely Devi Singh, who has also been attributed injury on the head of Chiranji Lal, has already been admitted on regular bail by the trial Court vide order dated 15.12.2014.

On the other hand, learned State counsel, on instructions from SI Jatinder Kumar does not dispute the custody of the petitioner as well as the injury attributed to him. However, he submits that the aforesaid injury which was attributed to the petitioner was grievous in nature and therefore, he is not entitled for bail.

I have heard learned counsel for the parties.

The incident in question has occurred on 30.4.2014 and immediately, thereafter, the injured was discharged from the hospital on 1.5.2014. Initially, the police has found the petitioner innocent, however, vide subsequent report prepared by DSP dated 11.11.2014, the petitioner has been indicted as an accused. This Court has been informed that the prosecution has cited as many as 24 witnesses, but none of them has been examined so far. Considering the fact that the petitioner is in custody since 20.2.2016 and trial in the case will take long time, this Court finds that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail during the pendency of the trial, subject to

furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

December 21, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?	Yes / No
Whether reportable?	Yes / No