

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Date of Decision: March 11, 2016

1. CRM M-7003 of 2016

Jitender Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

2. CRM M-7110 of 2016

Sandeep @ Sanjay and anr

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Aditya Jain, Advocate
for the petitioners.

Mr. G.S. Salwara, DAG, Haryana.

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M.M.S. BEDI, J. (ORAL)

This order will dispose of two petitions bearing CRM M-7003
and M-7110 of 2016, for grant of regular bail. The case was registered at

the instance of Kanwar Singh alleging that the petitioners Sandeep and Raj Kumar who are real brothers alongwith son of Raj Kumar, Jatinder Kumar, had attacked the complainant with axe and danda and also snatched a sum of Rs.50000/- and mobile phone of the complainant. Petitioner Jatinder Kumar is alleged to have held the complainant and gave danda blow on various parts of the body of the complainant and his wife Rasmi and driver Dharminder whereas petitioner Sandeep has been attributed axe blow on the left knee of the complainant. Raj Kumar is alleged to have gave danda blows on the both bands, head and other parts of the body.

On the asking of the Court, copy of the MLR of complainant Kanwar Singh has been made available indicating that opinion of the Doctor has been obtained to the effect that injured/ complainant had suffered a fracture of Patela due to impact of forceful object, though not sharp as knife but well shaped like an axe. Said opinion was obtained on December 30, 2015. It has been informed that the injured stands discharged from the hospital.

I have considered all the facts and circumstances of the case. Challan has already been presented. The injured stands discharged from the hospital. A perusal of the record indicates that the complainant and petitioners Raj Kumar and Sandeep are real brother and Jatinder happens to be the nephew of the complainant. There ahs been family dispute regarding the transfer of the property.

Without expression of any opinion on merits of the case, it is sufficient to observe that the petitioners have been in custody w.e.f. January 7, 2016; challan having already been presented, trial is likely to take a long time and no useful purpose will be served by keeping the petitioner in custody.

In view of the, both the petitions are allowed. Petitioners are ordered to be released on bail on their furnishing bail bonds/ surety bonds to the satisfaction of the trial Court subject to an additional condition that the petitioners will not commit the similar offence of which they are accused of during the entire period of trial and will not make any attempt to tamper with the evidence or threaten the witnesses. In case of any such eventuality, it will be open to the prosecution agency or the complainant to approach this Court for cancellation of the bail.

March 11, 2016
sanjay

(M.M.S.BEDI)
JUDGE