

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-11795 of 2017
Date of Decision: 19.07.2017

Karnail Singh @ Pappi

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Naresh Kumar Kalia, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

Mr. P.S. Sekhon, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.154 dated 18.12.2016 registered for offences punishable under Sections 148, 323, 324, 325, 326, 341, 427, 506, 307 read with Section 149 of Indian Penal Code (for short, "IPC") at Police Station Odhan, District Sirsa. (Offences punishable under Sections 325, 326, 341, 427 and 307 IPC were added and Section 452 IPC was deleted later on).

Heard.

As per allegations in the FIR, the petitioner alongwith other accused entered house of complainant and caused him injuries. One of the injury on the head of complainant was declared as dangerous to life.

The police on completion of investigation has presented the challan, which has since been committed to Court of Sessions for trial.

However, version of complainant that injury was caused inside his house

was not found as correct and the offence punishable under Section 452 IPC was deleted.

Learned counsel for the petitioner submits that the petitioner is in custody for the last more than seven months. The completion of trial will take considerably long time, as such, benefit of regular bail may be extended to petitioner.

Learned State counsel assisted by learned counsel appearing for complainant submit that the petitioner is main accused and the injury caused on the person of complainant was serious in nature having depressed fracture involving the outer table of left parietal bone in the left high parietal region. Keeping in view the gravity of offence and nature of injury on the person of complainant, the petitioner is not entitled to regular bail at this stage.

Keeping in view the fact that the police has not found correct the version regarding place of occurrence as put-forth by complainant and that conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Karnail Singh @ Pappi is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his

presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

July 19, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No