

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.105 and 205

CRM-M-12382-2017 (O&M)

Decided on : 30.05.2017

Rahul

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Bipan Ghai, Senior Advocate, with
Mr.Deepanshu Mehta, Advocate, for the petitioner.

Mr.Manish Bansal, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

CRM-18223-2017

Through this application, addition/alteration of Sections 336 and 326 IPC in addition to already mentioned Sections in the originally filed petition, is prayed for.

Notice of the application to the Advocate, General, Haryana.

Mr.Manish Bansal, DAG, Punjab, who is present in Court, accepts notice on behalf of the non-applicant/respondent-State.

In view of averments made in the application and after hearing learned counsel for the parties, the prayer made in the application is allowed.

CRM stands disposed off.

CRM-M-12382-2017

Through this petition filed under Section 439 Cr.P.C., the petitioner seeks the concession of regular bail in FIR No.35, dated 27.01.2017, registered under Sections 148, 149, 285, 323, 326, 336, 395, 397, 506 and 379-B IPC and Section 25 of the Arms Act, at Police Station Kurukshetra University, District Kurukshetra.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner has been in custody since 13.02.2017; there is no other criminal case in which he is involved; challan has been presented and, therefore, the petitioner is not needed for investigation purposes; the alleged occurrence was a result of a sudden fight and even if the allegations in the FIR are taken as a gospel truth which the petitioner denies, he gave only slap/fist blows to the injured; the allegation with regard to firing of gun shots in the air and giving grievous injuries to the injured are qua the other accused; there is no recovery effected from the petitioner and that the name of the petitioner has come in the disclosure statement of the co-accused which evidence is inadmissible in law.

Learned State counsel opposes the grant of bail on the ground that there are serious allegations against the petitioner and his co-accused of having inflicted eight injures on the injured.

It is not disputed that the petitioner is in custody since 13.02.2017; there is no other criminal case against him; the challan has been presented; the occurrence was the result of a sudden fight which took place between the petitioner and his co-accused on one side and the injured on the other; the petitioner is attributed slap/fist blows; the grievous injures and the firing of gun shots are attributed to other co-accused; no recovery is effected from the petitioner and that he has been named only in the disclosure statement suffered by his co-accused.

After considering the above facts and without commenting on the merits of the case, I am of the opinion that the petitioner deserves to be admitted to regular bail.

Bail to the satisfaction of the CJM/Duty Magistrate, Kurukshetra.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

During the period that the bail is granted to the petitioner, if he is found indulging in any criminal/illegal activity or misusing the concession of bail granted by this Court, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the petitioner.

30.05.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No