

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CRM-M No.138 of 2017

Sandeep

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.12816 of 2017

Yogesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 2nd June, 2017

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.K. Saini and Mr.Rahul Vats, Advocates
for the petitioners.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

The above detailed two regular bail applications under Section 439 Cr.P.C. by petitioners Sandeep and Yogesh Kumar having arisen out of the same very FIR bearing No.155 dated 08.08.2016 registered at Police Station Mullana, District Ambala under Sections 307/323/341/34 IPC, are being taken up together for disposal for the sake of brevity.

The precise allegations of prosecution stems from the statement of Suresh Kumar wherein he stated that on 08.08.2016 around 2.30 p.m. while he was going on motorcycle he was accosted by three motorcyclists who were riding on one motor bike and at that point of time his brother Bihari Lal (injured) too arrived and one of the accused Sandeep caught hold of him and accused Yogesh Kumar took out a knife and assaulted Bihari Lal giving injuries on his left arm as well as chest hitting on the left side and the complainant too was given kick and fist blows leading to registration of the present case.

Learned counsel for the petitioners Mr. R.K. Saini and Mr. Rahul Vats, Advocates submit that petitioner Sandeep is in custody since 09.08.2016 and petitioner Yogesh Kumar is in custody since 08.08.2016 and that the trial is not likely to conclude in near future and have sought grant of bail.

The same is sought to be opposed vehemently on behalf of the State by Mr. Munish Sharma, Asstt. Advocate General, Haryana on the grounds that the very acts of the assailants whereby they have given two stab wounds, one after another, are in itself reflective of their intention and if allowed bail they would influence the witnesses and thus sought dismissal of bail.

Appreciating the submissions, the medico-legal report of injured Bihari Lal reflects that he has received 4 injuries, one on the left

side upper abdomen near heart, another on the dorsal aspect on right hand and an abrasion on the left hip joint and multiple abrasions on the left knee, which injuries No.1 and 2 have been caused by sharp edged weapon whereas rest by blunt weapon. A close perusal of the medical record subsequently placed before this Court reflects that the stab wound is going deep inside the peritoneum affecting internal organs and thus, evidently it is by providence the victim has escaped from death. The mere contentions that petitioners are behind bars since long time is no extenuating circumstance for grant of relief. Keeping in view the nature of injuries and the role assigned to each of the accused, no case for grant of bail is made out. Finding no merit, the present petition is hereby dismissed.

(FATEH DEEP SINGH)
JUDGE

June 2, 2017

rps

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