

Sr. No.214

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-42596 of 2016 (O&M)

Date of Decision: 09.02.2017

Vishal @ Dhanna

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sandeep Gahlawat, Advocate,
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail pending trial in case FIR No.303 dated 29.03.2016, under Sections 323 and 324 IPC, registered at Police Station Chandni Bagh, District Panipat.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Vipin Kumar in relation to an occurrence that allegedly took place on 27.03.2016 and in which brother of the complainant, namely, Bittu suffered injuries inflicted by a sharp edged weapon. Complainant had asserted that his brother Bittu had gone to factory and on 27.03.2016 at about 10:00 p.m. had made a telephonic call from the mobile phone of a third person to the father that the present petitioner has caused injuries by means of a sharp edged weapon and has taken away his motorcycle, ATM card, mobile phone as also purse.

Initially, the offence under Section 307 IPC had not been cited.

It so transpires that the offence under Section 307 IPC was added subsequently i.e. on 27.05.2016.

Learned State counsel would oppose the present petition by stating that recovery of knife and a motorcycle has been effected from the present petitioner.

Petitioner has faced incarceration since 05.04.2016. There is no eye witness account. It is a case of hearsay evidence.

Challan having been presented, the complainant as also injured have already been examined before the trial Court.

It is not a case made out on behalf of the State that the petitioner if granted benefit of bail would be in a position to hamper the course of a free and fair trial.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Panipat.

Disposed of.

09.02.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No