

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 44759 of 2017 (O&M)

Date of decision : 21.12.2017

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Sandeep @ Bona

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Pawan Gaur, Advocate for the petitioner

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J. (Oral)

This application for regular bail has been filed by petitioner Sandeep @ Bona, an accused in FIR No. 57 dated 18.4.2017 for offences under Sections 324/307 IPC and Section 25 of the Arms Act, registered at Police Station Chhainsa, District Faridabad, on the allegations that on 17.4.2017 at about 4.00 P.M. in the area of Devi Chowk, Village Atalli, he while armed with a knife stabbed complainant Jasvinder @ Jagat, in the chest. Resultantly, the injured became unconscious. At that time the petitioner was accompanied by

two more persons, namely, his brother Kalua and one Sagar. However, no injury has been attributed to two of them. Injured had been removed to the hospital, where he was medically examined and treated. Initially the FIR had been registered under Section 324/34 IPC. Later on offence under Section 307 IPC was added, on the basis of opinion by the doctor from Metro Hospital, Faridabad, a private medical institution. The accused was arrested in this case on 5.7.2017. He is in custody since then. Challan against him has been filed. The case is fixed for prosecution evidence which is stated to be at preliminary stage. He had moved an application for bail in the Court of Sessions, but the same was dismissed by the Sessions Judge, Faridabad vide order dated 12.10.2017, as such he has approached this Court for grant of similar relief.

Notice of the application was given to the State.

State counsel has placed on file custody certificate, showing the period of custody of the petitioner in this case as 5 months and 16 days. There is no mention of petitioner being involved in any other criminal case. Further more, there is a counter version of the incident, in as much as, on the basis of statement of present petitioner FIR No. 59 dated 21.4.2017, for offences under Sections 147, 149, 323, 341, 506 IPC was registered. As per that FIR, the present petitioner had also suffered injuries in the incident i.e. one on head and two on other parts of the body, as per copy of MLR

The guilt of the accused shall be determined during the trial and only during the trial it can be find out as to which of the party was aggressor. Therefore, I find it proper and appropriate to accept

the application for grant of regular bail. Doing so, the petitioner is ordered to be released on bail subject to his furnishing of surety bonds and personal bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Faridabad, subject to the following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing;
- ii) that the petitioner shall not give any threat or intimidation to the prosecution witnesses.
- iii) that the petitioner shall not leave India without the prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In case the petitioner violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

(H.S. Madaan)
Judge

21.12.2017

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No