

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

CRM-M No. 6884 of 2017(O&M)

Date of decision: 23.3.2017

Pawan

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Navneet Singh, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of bail in anticipation of arrest in FIR No.16 dated 09.01.2017 registered with Police Station Civil Lines, District Sonapat for offence punishable under Sections 148, 149, 323, 342, 332, 353, 354, 186, 307 of the Indian Penal Code, 1860 (in short 'IPC').

Counsel for the petitioner has submitted that the petitioner has been attributed causing injuries to Naraini and Heena with an intention to kill them by hitting them with a car. It is further submitted that the petitioner has been falsely indicted in the crime and offence under Section 307 IPC has been registered to aggravate fault of the accused so that he may not be released on bail. It is further submitted that had Naraini and Heena been hit by the moving car, they must have sustained serious injuries and this aspect needs to be examined.

Counsel for the State has opposed the prayer for bail with the submission that in view of role attributed to the petitioner that he hit Naraini and Heena with a car registered in his name and recovered from his house, he is not entitled to pre-arrest bail.

I have heard counsel for the parties, perused the paper-book and the police records.

During the course of hearing, counsel for the State has supplied copies of the statements of Naraini and Heena recorded under Section 161 Cr.P.C. and so also their medico legal reports. In their statements under Section 161 Cr.P.C., Naraini and Heena have stated that Pawan with an intention to kill them struck his car against them. As per the medico legal report of Heena, she complained of pain on left elbow and left knee but no external injury was seen. On query by the Court, counsel for the State has submitted that no Ortho opinion was obtained. Injuries sustained by Naraini are swelling on dorsum of right hand and complaint of pain left flank and thigh. Recovery of the car has already been effected and custodial interrogation of the petitioner is no longer required.

In view of the above, the petition is allowed and the petitioner is allowed pre-arrest bail with a direction to join investigation within 10 days. In the event of his arrest, he shall be released on bail by the investigating officer subject to the following conditions:-

- (i) He shall join the investigation as and when required by the Investigating Officer.
- (ii) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (iii) He shall not leave the limits of this country without prior permission of the Court.

MARCH 23, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no