IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M No.10509 of 2018
Date of Decision: 20.11.2018

Bhajjan Singh ....Petitioner

Versus

State of Haryana ....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. S.S. Kharb, Advocate
for the petitioner.

Ms. Tanushree Gupta, D.A.G., Haryana.

Mr. Ravinder Banger, Advocate
for the complainant.

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DAYA CHAUDHARY, J. (ORAL)

This petition has been filed by petitioner-Bhajjan Singh under Section 439 Cr.P.C for grant of regular bail to him in case FIR No.102 dated 12.05.2015 registered under Sections 302, 324, 323, 506/34 IPC at Police Station Sadar Narwana, District Jind.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved. The FIR, in question, was registered on 12.05.2015. There was a dispute of the property between the parties and for that reason, the petitioner has been implicated. It is a case of version and cross version. The petitioner's side has also received injuries and now both the cases are being tried together. Petitioner is in custody for the last more than 3½ years. After transferring the other case, the trial may take some time to conclude and no useful purpose would be served by keeping the petitioner behind bars. There is no other case pending against the petitioner.

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However, learned counsel for the complainant submits that 2/3 more FIRs have been registered against the petitioner, whereas, learned counsel for the petitioner submits that the said FIRs have been registered subsequently after filing the present petition.

Learned State counsel has not disputed the custody period but opposes the submissions made by learned counsel for the petitioner on the ground that the trial is likely to be concluded as all witnesses have been examined including DWs except one.

Heard the arguments of learned counsel for the parties and have also perused other documents available on the file.

The custody period has not been disputed. However, the bail has been opposed only on the ground that all PWs have been examined including the DWs except one. However, it has also not been disputed that cross version has been transferred and is to be heard by the same Court. The trial may take some time to conclude as both the judgments are to be delivered on the same day by one Court.

Without saying anything on the merits of the case and by considering the fact that it is a case of version and cross version and the custody is more than 3½ years, the present petition is allowed and petitioner, namely, Bhajjan Singh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial court.

(DAYA CHAUDHARY)
JUDGE

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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

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