

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-10850 of 2018
Date of Decision: March 20, 2018

Pawan

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. U.K. Agnihotri, Advocate
for the petitioner

Mr. Nishchal Mann, DAG Haryana

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 484 dated 19.08.2017, registered under Sections 148, 149, 323, 302 IPC at Police Station Meham, District Rohtak.

As per the FIR, the petitioner inflicted a jaily blow on the head of Bhim Singh (deceased) as well as on the head of the complainant – Paramjit Singh.

Learned counsel for the petitioner has contended that there is only one injury on the head of the deceased i.e. axe blow and, therefore, it can not be said that the petitioner inflicted any injury upon the deceased as he was allegedly armed with jaily. Similarly, there is no injury on the head of the complainant – Paramjit Singh and under the circumstances the allegations made against the petitioner are false. No recovery has been effected from him and he has been in custody since 01.09.2017. The investigation is complete and the challan has been presented in the Court but the trial has not yet started.

Learned State counsel on the other hand submits that the petitioner is one of the main accused as he is alleged to have caused an injury on the head of the deceased and, therefore, does not deserve to be granted regular bail.

The MLR of the deceased has been shown to me from which it is apparent that there is only one injury on the head of the deceased and the same has been caused with an axe. It is not in dispute that the complainant has not sustained any injury on the head. Thus, it can not be stated at this stage that the petitioner had caused any injury to the deceased. Even the jaily with which the petitioner was allegedly armed has not been recovered from him.

Keeping in view the fact that the trial has not yet commenced and that the investigation in this case is complete and no useful purpose would be served by keeping the petitioner in custody indefinitely, the petition is allowed. Petitioner – Pawan son of Maya Chand is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

March 20, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No