

227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10851-2018 (O&M)

Date of decision: 25.04.2018

Pritam Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jitender Dhanda, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Vikas Bishnoi, Advocate, for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') is for grant of regular bail to the petitioner in case FIR No. 523 dated 19.12.2017 under Sections 307, 323, 324, 325 and 506 read with Section 34 IPC, registered at Police Station Barwala, District Hisar.

Learned counsel for the petitioner submits that Section 307 IPC is invoked on the basis of injury sustained by father of complainant-Joga Ram and as per the FIR, the same is attributed to co-accused Ajeet and Gulab. Counsel for the petitioner further submits that the injury attributed to the petitioner and three other co-accused is to the complainant, who are also arrested. He further submits that during investigation, the police has found Ajeet and Gulab innocent, on the basis of the investigation that they were not present at the spot and their presence is marked in their respective offices. Learned counsel for the petitioner further submits that the petitioner is in judicial lock up since 16.01.2018 and challan has already been presented and the conclusion of the trial will take long time.

Learned State counsel, on instructions from ASI Shishpal, assisted by learned counsel for the complainant has not disputed the fact that the co-accused Ajeet and Gulab, who are attributed the injury on the head of the father of the complainant-Joga Ram, have been declared innocent by the police and no challan has been presented against them.

Without commenting on the merits of the case, considering the fact that the injuries attributed to the petitioner is on non-vital part of the body; the petitioner is in judicial lock up since 16.01.2018; challan has been presented; prosecution evidence is yet to be started, the petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing the concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

25.04.2018

Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No