

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

CRM No.M-11290 of 2018 (O&M)
Date of Decision: July 31, 2018

Shyam Lal

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.H.P.S.Ishar and Ms.Sakshi Saini, Advocates
for the petitioner.

Mr.Sukhdeep Parmar, DAG, Haryana
for the respondent-State.

Mr.D.P.Shishodia, Advocate
for respondent No.2.

INDERJIT SINGH, J.

CRM No.24836 of 2018

The application is allowed, subject to all just exceptions. Reply
by way of affidavit of respondent No.2 is taken on record.

CRM No.M-11290 of 2018

Petitioner has filed this petition under Section 439(2) Cr.P.C.
for cancellation of bail granted to respondent No.2 by learned Sessions
Judge, Panchkula vide order dated 06.02.2018, in case FIR No.183 dated
09.12.2017 under Sections 148, 149, 323, 452, 307, 506 IPC and Section 25
of the Arms Act, registered at Police Station Kalka, District Panchkula.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that complainant Shyam Lal along with his father Rati Ram, nephew Sandeep Kumar, Anil Kumar and Yashpal was sitting in the shop constructed outside the gate of his house. At about 6.45 p.m., 3-4 vehicles stopped in front of his house. Amit, who was possessing a pistol, with intention to kill the complainant, fired a shot at him which crossed just near his ear. As per the allegations, Yograj @ Pinki, accused-respondent, raised *lalkara*. Thereafter, Gopal gave sword blow on right arm of the complainant. At the same time, Yograj @ Pinki also gave sword blow on the back of head of complainant. It is also in the FIR that all accused persons attacked upon the complainant with intention to kill him and gave him injuries with iron rod, *dandas* and kicks. When complainant's father Rati Ram, nephew Sandeep Kumar and his neighbour Anil Kumar tried to rescue him, they were also given injuries by the accused.

The perusal of the record shows that no injury has been declared dangerous to life. The present petitioner was released on bail vide order dated 06.02.2018 by learned Sessions Judge, Panchkula. He was in custody since 03.01.2018. The only argument raised by learned counsel for the petitioner is that in view of the serious nature of the case, bail should not have been granted to the accused-respondent No.2 as he is also involved in other cases.

From the record, I find that this fact has already been discussed

by learned Sessions Judge, Panchkula, while passing the impugned order

and it has been held that in other cases, private respondent in this petition, is already on bail.

After perusing the record, I find that no ground is made out for cancelling the regular bail granted to respondent No.2, by learned Sessions Judge, Panchkula. He is not required for investigation or interrogation purposes as he was in judicial custody. Furthermore, there is no argument that respondent No.2 has misused the concession of bail or tried to tamper with the evidence etc.

Therefore, finding no merit in the present petition, the same is dismissed.

July 31, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No