

CRM-M-15277-2018 &
CRM-M-15284-2018

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

(1) **CRM-M-15277-2018**

Jaibir

...Petitioner

Versus

State of Haryana

...Respondent

(2) **CRM-M-15284-2018**

Jagbir

...Petitioner

Versus

State of Haryana

...Respondent

Date of decision:25.5.2018

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Amit Singla, Advocate
for the petitioners.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

By this order, I intend to dispose of two petitions i.e. **CRM-M-15277-2018** filed by petitioner Jaibir and **CRM-M-15284-2018** filed by petitioner Jagbir, who are accused in FIR No.105 dated 31.1.2018, under Sections 323, 341, 34, 506 IPC and Section 325/120-B IPC and Section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 2016 (added later on), registered at Police Station Sadar, Hisar for grant of regular bail.

Briefly stated, facts of the case as per prosecution version are

that on 30.1.2018, when complainant Jagbir son of Om Parkash was returning home on his motorcycle and had reached ahead of village Dabra, where Jagbir s/o Ram Bhagat along with two other boys signalled him to stop, but he did not do so. Then three of them chased him on their motorcycles and intercepted him in front of fields of Vishavjit. Those persons were having danda in their hands and they started hitting the complainant therewith on his legs and hands and thereafter threw him in the water; then they ran away from the spot along with their respective weapons. While leaving, they also extended threats to eliminate the complainant on finding an opportunity. The complainant/injured was admitted to hospital, where he was medically treated and medically examined. Statement of the complainant was recorded by the police and on the basis of said statement, FIR under Section 323, 341, 506/34 IPC was registered. The matter was investigated and subsequently on the basis of supplementary statement made by the complainant/injured on 1.2.2018, offence under Section 3 of the Scheduled Caste and Scheduled Tribes (prevention of Atrocities) Act, 2016 was added. Petitioner Jaibir was arrested on 19.2.2018 and petitioner Jagbir was arrested on 3.2.2018 and presently they are behind the bars. They had moved applications for regular bail in the Court of Sessions, however, the same were dismissed by learned Additional Sessions Judge, Hisar, as such they have approached this Court by way of filing these petitions asking for the similar relief, notice of which has been issued to the respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going

through the record.

As per the custody certificate placed on the file by the learned State counsel, petitioner Jagbir is in custody for the last about 3 months and 20 days. Whereas petitioner Jaibir is also behind bars for more than three months. The challan is said to have been filed in the Court on 30.3.2018. the conclusion of trial is likely to take some time and further detention of the petitioners shall not served any useful purpose.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioners.

Accordingly, the petitions are allowed. The petitioners namely Jaibir and Jagbir are ordered to be released on bail during the pendency of the trial, subject to their furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Hisar, on following conditions:

- (i) They shall appear in the Court on each and every date of hearing.
- (ii) They shall not give any threat or intimidation to the prosecution witnesses.
- (iii) They shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and interfere in the trial.

The petitioners-accused are also directed to surrender their passports if they have got ones otherwise to furnish affidavits in that

regard. In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

It is made clear that if the petitioners are found to be involved in any criminal act at any stage after being released on bail, the order granting them bail would be liable to be withdrawn.

The petitions stand allowed accordingly.

25.5.2018
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No