

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

(i) CRM No.M-22741 of 2018 (O&M)

Ombir

...Petitioner

VERSUS

State of Haryana

...Respondent

(ii) CRM No.M-23364 of 2018 (O&M)

Nagender Partap Singh @ Nitin

...Petitioner

VERSUS

State of Haryana

...Respondent

(iii) CRM No.M-26487 of 2018 (O&M)

Arvind

...Petitioner

VERSUS

State of Haryana

...Respondent

Date of Decision: July 11, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.P.S.Ahluwalia, Advocate
for the petitioners (in CRM Nos.M-22741 and 23364 of 2018).

Mr.S.K.Garg Narwana, Senior Advocate with
Mr.Virat Amarnath, Advocate
for the petitioner (in CRM No.M-26487 of 2018).

INDERJIT SINGH, J.

All the above-mentioned cases are taken up together as these
have arisen from same FIR.

for grant of regular bail in case FIR No.183 dated 08.03.2017 under Sections 302, 307, 323, 216, 148 and 149 IPC, registered at Police Station Jhajjar, District Jhajjar.

Notice of motion.

Mr.Sukhdeep Parmar, DAG, Haryana has put in appearance on behalf of the respondent-State and Mr.Manoj Tanwar, has put in appearance on behalf of the complainant and contested the petitions.

Learned counsel for the petitioners argued that first of all, there is delay in recording the FIR. It is further argued that none of the petitioner has caused any injury to the deceased. Learned counsel for the petitioners also contended that total 6 injuries were received by the deceased and two injured witnesses and 19 persons have been named in the FIR. Learned counsel for petitioner Nagender Partap Singh @ Nitin argued that petitioner Nagender Partap Singh @ Nitin is stated to be armed with sharp edged weapon i.e. jailey, and gave blow on the waist of injured Rajender @ Bobby but as per MLR, there is no such injury on the waist. Therefore, he argued that a false FIR has been registered by implicating even the ladies and all the member of family. As regarding petitioner Ombir, it is argued that allegation is that petitioner Ombir was armed with Axe and gave blow on the head of injured Rajender @ Bobby but there is no sharp edged injury on the head of injured. A lacerated wound is there, which is attributed to some other accused with stick.

Learned counsel for petitioner Arvind argued that injury attributed to petitioner Arvind is with stick on the shoulder of other injured Abhimanyu, which is found to be only abrasion.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

I find merit in the arguments of learned counsel for the petitioners. None of the petitioner has caused any injury to the deceased. The injuries on the person of deceased are attributed to some other accused. Injuries attributed to petitioners Nagender Partap Singh @ Nitin and Ombir are not found in the MLR and further, the injury attributed to petitioner Arvind, which is given to injured witness, is only an abrasion.

Petitioner Ombir has been in custody since 09.03.2017 and petitioner Nagender Partap Singh @ Nitin has been in custody since 29.10.2017 whereas petitioner Arvind has been in custody since 26.05.2017. The petitioners are only to face trial. The trial of the case will take long time. The petitioners are not required for any investigation or interrogation purposes as they are in judicial custody. No useful purpose will be served by keeping the petitioners in custody till disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, all the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount each to the satisfaction of the trial Court/Duty Magistrate.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 11, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No