

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

**Crl. Misc. No.M-28101 of 2018 (O&M)
Date of Decision: July 13, 2018**

Deepak

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 587 dated 21.07.2017 registered for the offences punishable under Sections 302, 307, 325, 324, 323, 506, 148 read with Section 149 of Indian Penal Code and 25 of Arms Act, at Police Station Sadar Palwal, District Palwal.

Heard.

Notice of motion.

On asking of the court, Ms. Dimple Jain, AAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for the petitioner submits that as per the allegations in the complaint, petitioner has been attributed a *Kulhari* (axe)

blow on the dorsal aspect of hand of Vishnu. However, there was no such injury on his hand and during investigation, *danda* has been recovered from him. Durga Dutt deceased was caused fire-arm injury by Rajinder Parsad. FIR was registered on the statement of Jagbir, brother of the deceased, who while appeared in the witness box, stated that he was apprised about the occurrence by his brother. Petitioner has been in custody since 21.07.2017. In the trial Court, prosecution has moved application under Section 319 Cr.P.C., which is pending for decision. Keeping in view the nature of allegations against the petitioner and period of his incarceration, learned counsel for the petitioner seeks grant of regular bail for him.

Learned State counsel on instructions from ASI Satbir Singh submits that petitioner was attributed axe blow on the hand of Vishnu and axe was recovered from the spot, which was handed over by complainant to the police. During investigation, a *danda* was recovered from the petitioner. Fatal injury to Durga Dutt was attributed to Rajinder Parsad but petitioner and other co-accused have taken active part in the occurrence, resulting in death of Durga Dutt and injuries to others.

Keeping in view the fact that petitioner is in custody for the last about one year; he has not been attributed any injury to deceased; injury attributed to him was simple in nature; conclusion of trial will take considerably long time; nature of allegations against the petitioner; and that his father has already been allowed regular bail by the trial Court, the present petition is allowed. Petitioner Deepak is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following

terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without prior permission of the Court.

July 13, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***