

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-34337 of 2018 (O&M)
Date of Decision: 30.10.2018

Raj Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. D.S.Matya, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Abhimanyu Singh, Advocate
for the complainant.

ANITA CHAUDHRY, J

CRM-38717-2018

The application is allowed and Anneuxre A-1 (Colly) is taken on record.

CRM-M-34337-2018

The petitioner is seeking regular bail in FIR No. 100 dated 8.4.2017 registered at Police Station Bahin, District Palwal under Sections 148, 149, 323, 325, 294, 354, 452, 302, 506 IPC.

Counsel for the petitioner contends that petitioner is in custody since 11.4.2017 and they have placed on record the zimni orders which would show that supplementary challan has been filed and *de novo* trial will commence. The counsel further submits that as per the allegations in the FIR, two injuries were given on the head of Chet Ram one by Bhura and

one by the petitioner but the medical record would show that there was only one injury and that injury was caused by Bhura and not by the petitioner and in view of the long custody, bail should be allowed.

State counsel informs that this is the second petition filed by the petitioner and the first application was dismissed as withdrawn when the Court was not inclined to grant bail. The counsel further submits that supplementary challan was submitted and the case is now fixed for framing of charge. The counsel also submits that petitioner is the main accused and the injury resulted in fracture on the head and the petitioner had also caused injuries to Suman and her teeth were broken.

The FIR refers to two blows caused by Bhura and Raj Kumar, upon Chet Ram. Chet Ram succumbed to the injuries. Whether the injury was caused by Bhura or Raj Kumar is not to be determined here. No doubt the custody of the petitioner is over 1½ year but it is not a fit case where bail should be allowed on account of seriousness of allegations.

The petition is dismissed.

While parting with the order it needs to be mentioned that since the trial has to start again on account of supplementary challan filed by the police, the trial Court would strenuously make efforts to expedite the trial.

(ANITA CHAUDHRY)
JUDGE

October 30, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No