

**Sr. No.216
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-35149 of 2017 (O&M)

Date of Decision: 17.01.2018

Shamsher @ Dola

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sunil Saharan, Advocate,
for the petitioner.

Mr. Ashish Yadav, AAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.445 dated 30.11.2011, under Sections 395, 397 IPC and Section 25 of Arms Act, registered at Police Station Barwala, District Hisar.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Satyawan in relation to an alleged occurrence dated 29.11.2011. Complainant asserted that while he was sleeping in the fields to protect the paddy crop, 10-12 unknown persons surrounded him and gave him beatings with a danda. Thereafter, nephew of the complainant, namely, Jatinder came to his rescue. The assailants having tied up the hands and legs of the complainant as also his nephew had taken away two mobile phones, some cash and 500 kgs. of paddy.

It has gone uncontroverted that the petitioner initially had been granted bail but thereafter had absented from trial proceedings on 21.07.2017 and on account of which the benefit of bail was cancelled thereafter petitioner surrendered on 25.08.2017 and has been in custody ever since.

Keeping in view the gravity of charge and coupled with the factual premise that the petitioner having himself surrendered on 25.08.2017 and having faced incarceration over the past almost 05 months, prayer for bail is accepted.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Hisar.

Petition disposed of.

17.01.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No