

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-39076 of 2018
Date of Decision: 13.09.2018

Siri Bhagwan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

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.569 dated 29.12.2017 registered for offences punishable under Sections 148/149/302/323/452/307 of Indian Penal Code (for short, "IPC") at Police Station Sonipat Sadar, District Sonipat.

Heard.

Learned State counsel submits that as per allegations in the FIR, petitioner alongwith co-accused after entering house of complainant caused injuries to Manoj Kumar and his father, namely, Randhir Singh, who died because of injuries suffered by him. The petitioner has been attributed injury on the head of Manoj Kumar for which offence punishable under Section 307 IPC has been added in the FIR. The weapon of offence i.e. axe was recovered from the petitioner, who was arrested on 30.12.2017.

Learned counsel for the petitioner submits that the petitioner has not been attributed any injury to deceased-Randhir Singh, who had two

abrasions on his person. Regarding injury on the person of Manoj Kumar there is no medical opinion that the same was dangerous to life.

Learned State counsel on perusal of police file submits that it is nowhere mentioned in medical report that injury on the person of Manoj Kumar was dangerous to life.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Siri Bhagwan is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 the previous permission of the Court.

September 13, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No