

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

CRM-M-41217-2018 (O&M)

Date of Decision:-5.10.2018

Desha @ Des Raj

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.119 dated 20.5.2018 under Sections 147, 148, 149, 323, 324, 325, 326 and 506 of Indian Penal Code, 1860 at Police Station Sadar Sirsa, District Sirsa.

As per the case of prosecution, the petitioner alongwith six others had caused injuries to the complainant Ram Sarup and Dholu Ram. While the petitioner is alleged to have been armed with a '*spade*', the co-accused were armed with '*sticks*'. As many as six injuries were caused to each of the two injured namely the complainant Ram Sarup and Dholu Ram.

Notice of this petition was issued to the State.

The learned counsel for the petitioner has submitted that all other co-accused have already been released on bail and that although the injury attributed to the petitioner has been declared as 'grievous injury' because the same is on a non-vital part i.e. on elbow. It has thus been prayed that the petitioner be released on bail.

On the other hand, the learned State counsel has submitted that the case of the petitioner is distinct from the co-accused, who have been released on bail inasmuch all others were carrying ‘sticks’ and it is the petitioner, who was carrying a ‘spade’ and had caused a ‘grievous injury’.

I have considered the rival submissions addressed before this Court.

Keeping in view the seat of injury i.e. on the left elbow of the complainant and also the fact that the challan has already been presented and the petitioner has been behind bars since the last more than three months, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars as the trial in its normal course is likely to take some time for its conclusion. The present petition, as such, is accepted and the petitioner-Desha @ Des Raj is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands accepted accordingly.

5.10.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No