

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-42644 of 2018 (O&M)

Date of Decision: 03.10.2018

Dara Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jai Singh Yadav, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Manish Mehta, Advocate
for the complainant.

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. 527 dated 17.09.2017 registered for offences punishable under Sections 148/149/323/324/307/452/506 of Indian Penal Code (for short, "IPC") at Police Station Mahendergarh, District Mahendergarh.

Heard.

Learned counsel for petitioner submits that the petitioner has been attributed iron rod blow on the head of Sonu, which as per medical record on file is simple in nature. Petitioner has not been attributed any injury on the person of injured, which was declared grievous or dangerous to their life.

Learned State counsel submits that injury no. 1 on the person of Sonu was caused by blunt weapon and has been attributed to petitioner.

However, police has not taken any report of CT Scan of this injury in

possession so far. He, however, fairly concedes that there is no opinion on file to declare the injury either as grievous or dangerous to life.

The petitioner was arrested in this case on 16.11.2017. Thereafter, challan has been filed in Court and recording of evidence is in progress.

Keeping in view above facts and that co-accused, namely, Raj Kumar has already been allowed regular bail by this Court vide order dated 18.09.2018 passed in CRM-M-39917-2018 and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Dara Singh 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

October 03, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No