

261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
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CRM-M-44755-2017(O&M)

Date of decision:28.02.2018

Gurmej Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashit Malik, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Ms. Sunita Nambiar, Advocate for
Mr. Abhimanyu Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.159, dated 02.05.2017, under Sections 148, 149, 323, 324, 307, 452, 506, 212 IPC, registered at Police Station Indri, District Karnal.

This is the second petition for grant of regular bail and the first petition was dismissed as withdrawn on 06.10.2017. Learned counsel for the petitioner submits that subsequent thereof, challan has been presented and this is a changed circumstance on the basis of which, he has filed the second petition. He further submits that the injury attributed to petitioner-Gurmej Singh is above the ear of injured-Nitin-complainant and no opinion of the doctor qua this injury was obtained. It is further submitted that the injury attributed to co-accused Angrej, who is in judicial lock up, attracting Section 307 IPC, was received by other injured Rakesh and this injury is on his chest. It is further submitted that the petitioner is in judicial lock up

since 29.06.2017 and challan has already been presented and despite availing two dates after filing of this petition, the trial Court has, so far not framed any charge.

Counsel for the petitioner further submits that even as per the opinion given by the doctor with regard to the injury sustained by Rakesh, it is opined that injury seems to be 'dangerous to life' according to best of his belief and medical knowledge. Learned counsel for the petitioner submits that no definite opinion has been given even with regard to this injury. He further submits that two co-accused of the petitioner, namely, Parveen Kumar and Jitender have been granted concession of regular bail vide order dated 06.10.2017 passed in CRM-M-36969 of 2017 and dated 17.11.2017, passed in CRM-M-38100 of 2017. The other two co-accused, namely, Sher Singh and Ravi have been granted concession of bail by the trial Court. It is further submitted that the case is still at the stage of framing of the charges and it will take long time to conclude the trial.

Learned State counsel, on instructions from SI Ramesh Kumar, and assisted by learned counsel appearing for the complainant, has opposed the prayer for bail on the ground that as per allegation in the FIR, even on an earlier occasion, there was dispute between two communities of the village regarding certain rituals and to settle personal grudge, the injuries have been caused to the complainant side on account of election in village.

Without commenting on the merits of the case, considering the fact that the petitioner is in judicial lock up since 29.06.2017; the report under Section 173 Cr.P.C. has already been submitted; the charges are yet to

be framed; four co-accused of the petitioner have already been granted concession of regular bail; injury attributed to the petitioner is simple in nature qua which no opinion of the doctor is obtained by the prosecutions; the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing bail /surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

28.02.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No