

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

CRM-M No. 46882 of 2017

DATE OF DECISION :- January 29, 2018

Sunny

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

This application for regular bail has been filed by petitioner Sunny, an accused in F.I.R. No. 666 dated 16.10.2017 for offences under Sections 323, 325, 379B, 506/34 IPC registered with Police Station Assandh, Karnal.

Briefly stated the facts of the prosecution story are that on 5.10.2017, when complainant Victor @ Sonu son of Vilson, resident of Ward No.6, Assandh along with his friend Neeraj reached near Jiwan Chanana College, Assandh, then Raju son of Ranjit came on his motor cycle from opposite side having a sword and iron rod. He was accompanied by one boy. On reaching there, Raju gave a sword blow to the complainant hitting him on his right leg below knee. When complainant raised his right hand to save himself then Raju inflicted another sword blow on his right hand, whereas the person accompanying him gave blow with the iron rod. 3-4 boys accompanying them gave a fist blow to the complainant. Raju had

snatched Rs.10,000/-, mobile phone, gold ring and gold chain from the complainant. The injured was taken to the hospital.

On the basis of his statement, formal F.I.R. was recorded. Accused was arrested in this case on 30.10.2017 and presently he is in custody. He had moved an application for regular bail in the Court below but the same was dismissed, therefore, he has approached this Court seeking similar relief. His request for bail is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that there is a delay of about six days in lodging the report. The petitioner is not named in the F.I.R. and further the trial is at preliminary stage. The petitioner is not having any criminal record, as such he be granted regular bail.

Learned State counsel submits that though the petitioner is not named in the F.I.R. but he was named by his co-accused during his investigation. However, he has admitted that injury attributed to the petitioner is simple in nature.

After hearing the rival contentions and without going into the merits of the case, I find that in the facts and circumstances of the case in hand considering the fact that the trial is at initial stage, it would be proper and appropriate to grant benefit of regular bail to the petitioner. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Karnal subject to the following conditions : -

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the order shall be liable to be withdrawn.

(H.S. MADAAN)
JUDGE

January 29, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No