

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53879-2018 (O&M)

Date of Decision:- 11.12.2018

Satish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Akash Vashisth, Advocate, for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

Petitioner-Satish seeks grant of regular bail in a case registered against him vide FIR No. 437, dated 23.7.2018, registered at Police Station Nuh, District Nuh, under Sections 323, 324, 506, 34 of Indian Penal Code, 1860.

The FIR in question was lodged at the instance of Irfan wherein it has been alleged that on the day of occurrence he received a call on his mobile phone to the effect that Satish is calling him at his shop to take back his money and when he reached at the shop of Satish, complainant was attacked by Satish, Babli, Birju and Ravi. It is alleged that Satish was armed

with a knife and he gave a blow with the same on the neck of the complainant.

Learned counsel for the petitioner has submitted that in fact a case was registered initially for offence under Section 323, 324, 506 and 34 IPC only wherein the petitioner had been granted bail vide order dated 30.7.2018 by the learned trial Court. It was subsequently when the Doctor opined the injury to be dangerous to life, vide opinion dated 9.8.2018, the petitioner was re-arrested on 10.8.2018. Learned counsel has submitted that the petitioner, during the period he remained on bail, never misused the concession of bail and that in any case it is a case of three injuries on the person of the complainant out of which one is incised wound and the remaining two are abrasion and lacerated wound.

On the other hand learned State counsel has submitted that in view of the specific categoric report of the Doctor to the effect that the injury in question is dangerous to life, no case for grant of bail is made out. It has however been informed that challan has since been presented and that the charges are yet to be framed.

Having heard rival submissions addressed before this Court and in view of the totality of the facts and circumstances and also the nature, number and seat of injuries and also the fact that the trial is at very initial stage wherein not even single PW has been examined so far, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars especially when there is nothing on record to show that he has ever misused the concession of bail. Accordingly, petitioner-Satish is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

This petition stands accepted accordingly.

December 11, 2018

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No