

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-6438-2018 (O&M)

Date of Decision: 02.04.2018

Jahir

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Shiva Khurmi, Advocate for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

Mr. Ajay Saini, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J (Oral)

CRM-9929-2018

Application is allowed as prayed for.

Accompanying documents at Annexures P-3 to P-7 are taken
on record.

Main Case

This is the second petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.1030 dated 31.10.2017 under sections 147, 148, 323, 324, 379-B, 341, 506, 307, 120-B I.P.C, registered at Police Station, Chandni Bagh, Panipat, District Panipat.

It may be noticed at the outset that the earlier petition was dismissed as withdrawn on 12.1.2018 as the matter at that point of time was under investigation.

Counsel submits that challan qua the present petitioner has since been submitted and as such, the instant petition has been preferred with the aforesaid change of circumstances.

Learned counsel for the parties have been heard.

FIR came to be registered on the statement of Sahvej in relation to an occurrence dated 31.10.2017. As per prosecution version, complainant Sahvej as also his brother Faizal were intercepted while they were proceeding on a motorcycle and were physically assaulted by a number of persons including the present petitioner. Infliction of knife blows on the person of Faizal is to Azhar son of Akbar (non-applicant) and on account of which offence under section 307 I.P.C has been cited.

In so far as the present petitioner is concerned, he is alleged to be part of the accused party and having inflicted *danda*, leg and fist blows on the complainant/Sahvej.

Counsel for the petitioner has adverted to the M.L.R of Sahvej which would reflect only simple injuries.

There is no injury attributed to the present petitioner on the person of Faizal.

Petitioner was arrested on 11.11.2017.

The prayer for bail was, however, opposed vehemently by learned State counsel as also counsel for the complainant by contending that another FIR has been registered against the petitioner in relation to an occurrence which took place one day prior i.e. on 30.10.2017. Be that as it may, it stands conceded that petitioner has been granted benefit of bail in the other FIR.

Trial is at the very initial stage and would take time to conclude.

In view of the discussion above and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate concerned.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.04.2018

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