

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-11318-2019 (O&M)
Date of Decision:-8.4.2019

Mahesh Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Lather, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.0303 dated 2.11.2018 at Police Station Mahesh Nagar, District Ambala under Sections 323 and 324 of Indian Penal Code, wherein offence under Section 326 of Indian Penal Code has been added later on.

Pursuant to directions issued by this Court on 4.4.2019, report of SHO, Police Station Mahesh Nagar, District Ambala has been received to the effect that Reena Rani, to whom the petitioner was to be married, as well as her father were informed about the pendency of the present case against Mahesh Kumar and that upon coming to know about the said fact they stated

that they do not wish to maintain any kind of relation with Mahesh Kumar. The said report is accompanied by the statements of Reena Rani and also of her father Ramesh Kumar. Reena Rani has specifically stated that she does not wish to marry Mahesh Kumar.

In view of the aforesaid position, the ground set forth by the petitioner for release on interim bail on grounds of his marriage does not survive. However, I find that it is a case where the allegations against the petitioner are that he had given three blows with a small knife on the back of the complainant, out of which one of the injury has been declared as a 'grievous injury'.

It has been informed by the learned counsel representing the State upon instructions from ASI Jaspal Singh, who is present in Court, that marriage of brother of the petitioner, in any case, is to be solemnized on 28.4.2019. The learned State counsel has informed that the petitioner has been behind bars since the last about two months and that challan has already been presented.

Having regard to the facts and circumstances of the case and while also bearing in mind the custody period of the petitioner and that the challan has already been presented, in my opinion, the petitioner can be extended concession of bail. The petition, as such, is accepted. The petitioner Mahesh Kumar is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

It is, however, specifically made clear that in case it is ever found that the petitioner ever indulges in commission of any other offence or

ever threatens or intimidates Reena Rani or her family, it shall be open to the prosecution to move for cancellation of petitioner's bail.

The petitioner shall ensure that he does not commit any kind of offence, while on bail, as it has been informed that he is involved in one more case earlier also.

The present petition stands accepted accordingly.

8.4.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No