

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

**CRM-M No. 16625 of 2019
Date of Decision:-26.09.2019**

Om Parkash @ Bucha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Hitesh Verma, Advocate
for the complainant.

MANOJ BAJAJ J.(Oral)

Petitioner-Om Parkash @ Bucha has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 264 dated 21.7.2018, under Sections 307, 323 and 506 IPC read with Section 34 IPC, registered at Police Station Badhra, District Charkhi Dadri. The petitioner is in custody since his arrest on 19.8.2018.

The FIR was lodged at the instance of Bijender Singh wherein it was alleged that on the day of occurrence their neighbours Rameshwar, Satya Prakash and Om Parkash came to him and asked for compromising the matter, which was pending in the Court and when the complainant

refused to accept their proposal for compromise, they started quarreling with him. It was alleged by complainant that Rameshwar caught hold of his right hand while Satya Parkash caught hold of his left hand and Rameshwar asked Om Parkash to give a blow with 'Jaily' on the complainant's chest and pursuant thereto Om Parkash gave a blow with 'Jaily' hitting the complainant on his chest with an intention to kill him. When the complainant raised alarm, then his brother Jai Karan came running to the spot. In the meanwhile Kamla wife of accused Rameshwar armed with 'Kulhari' and Mukesh wife of Satya Parkash armed with 'Darati' also came running, but upon seeing other people approaching towards the spot, they all ran away.

Learned counsel for the petitioner contends that the petitioner is in custody for the last one year, who has been attributed only one 'Jaily' blow to the victim. He submits that till date only one witness has been examined by the prosecution out of total 13 witnesses and further custody of the petitioner may not be justified, particularly when the other co-accused of the petitioner have been released on regular bail.

The prayer is opposed by learned counsel for the complainant, who submits that the petitioner is previously convicted and has not disclosed this fact in this petition. According to him the victim remained in the hospital for seven days. However, he does not dispute that other co-accused are on bail. Similar is the stand of learned State counsel, who is assisted by SI Shamsheer Singh.

Considering the custody period and the fact that trial is likely

to consume considerable time, further custody of the petitioner may not be justified, therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court, Charkhi Dadri.

The petition is allowed.

September 26, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No