

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18446-2019 (O&M)
Date of decision: 01.05.2019

Jaibir @ Tilla

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.539 dated 16.08.2018 under Sections 307, 323, 452, 506 read with Section 34 IPC, registered at Police Station Dadri Sadar, District Charkhi Dadri.

Learned counsel for the petitioner submits that the petitioner is in custody for the last six months and is not involved in any other case and relies upon the order dated 22.04.2019 passed in CRM-M-11001-2019, vide which co-accused Naresh @ Monu has been granted the concession of regular bail, by passing the following order: -

“Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner along with Tilla and Rahul had caused injuries to victim Bhan Singh on his head, face, eyes and ears and he became unconscious. It is further submitted that the petitioner

is not involved in any other case and is in custody for the last 05 months and 18 days and only 01 PW has been examined so far. Learned counsel further submits that though in the FIR, three persons are named, however, no specific injury is attributed to any of them to make out a case under Section 307 IPC, as to who caused injury and even in the statement of victim Bhan Singh, no such allegation with specific injury is made by him.

Learned State counsel, assisted by ASI Pawan Kumar, has filed the custody certificate and as per the custody certificate, the petitioner is not involved in any other case; he is in custody for the last 05 months and 18 days and has not disputed the fact that only 01 PW has been examined so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 05 months and 18 days, he is not involved in any other case and only 01 PW has been examined till date, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.”

Learned counsel for the petitioner further submits that case of the petitioner is on similar footings as of aforesaid co-accused Naresh @ Monu.

Learned State counsel has filed the custody certificate and on instructions from ASI Joginder Singh, has not disputed the fact that the petitioner is not involved in any other case.

Without commenting anything further on merits of the case,

considering the fact that the petitioner is in custody for the last 06 months; he is not involved in any other case and his similarly situated co-accused namely Naresh @ Monu has already been granted the concession of regular bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds, to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

01.05.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No