

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

CRM-M-19026-2019 (O&M)
Date of Decision:- 3.5.2019

Harkesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashwarya Bajaj, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.129, dated 18.4.2018 at Police Station Model Town, District Rewari, under Sections 148, 149, 323, 452, 427, 506, 307 IPC and Section 25 of Arms Act.
2. The FIR was registered at the instance of Sunita, wherein she alleged that on the day of occurrence 18-19 young boys who had come on motorcycle and other two-wheelers, entered her house by breaking the doors and windows with the help of sticks and stones while raising *lalkara* that they would kill all of them. Some of the accused have been named in the FIR as Naveen, Harkesh, Sunil, Sunder, Malku, Prem, Ajay, Seda, Manish, Yogi Chauhan Sunder, Deep Boswal, Kali, Sant Ram Gujjar @ Khabri and one more boy who was

resident of Talab Gujarwala. It is alleged that Naveen took out a pistol and fired a shot from the same but the same missed the complainant. Thereafter Harkesh-petitioner is stated to have given a stick blow on the head of the complainant. It is alleged that the complainant's husband dragged her into the bathroom and locked the same and that the accused desperately tried to break the door but were unable to do so and thereafter they damaged valuable articles in their house.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case mainly on account of the fact that complainant's husband is an accused in a case of murder of petitioner's cousin namely Sarjeet. Learned counsel has further submitted that in any case no offence under Section 307 IPC can be said to be made out as there is no such injury which can be said to be dangerous to life and that the only injury found on the person of the complainant is in the nature of the simple injury.
4. Opposing the petition, the learned State counsel has submitted that the manner in which all the accused had entered the house of the complainant clearly shows their intentions and it was by dint of their good luck that they escaped with minor injuries. It has however, been informed that petitioner has been behind bars since 15.6.2018 and till date only 4 out of the cited 15 PWs have been examined.
5. Having regard to rival submissions addressed before this Court and bearing in mind the fact that the trial is proceeding at snail's pace and is not likely to be concluded in immediate future and also that the

only injury sustained by the complainant is in the nature of simple injury, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner-Harkesh 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.

6. The present petition stands accepted accordingly.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

May 3, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No