

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

**CRM-M No. 20262 of 2019
Date of Decision:-10.05.2019**

Ajay Bindra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Yogeshwar Dayal Kaushik, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Ajay Bindra has filed the second petition (first petition bearing CRM-M-64334-2018 was dismissed as withdrawn on 11.1.2019) under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.598 dated 02.8.2018, under Sections 148, 149, 323 and 324 IPC (Section 307 IPC added later on), registered at Police Station Sector-7, District Faridabad. The petitioner is in custody since his arrest on 08.8.2018.

The FIR was lodged at the instance of complainant Vinod Kumar to the effect that he is resident of Indira Colony, near Yamaha Company, Faridabad and given his own vehicle on rent. It is further alleged

that in his neighbourhood Paras and Tushar were also residing and 2-3 days back a quarrel took place in Gali No.9, Indira Colony between Tushar and Ajay s/o Raj Kumar and Talib. On 01.8.2018 at about 9.00 p.m., complainant was present in his house and on hearing noise he reached Gali No.7 and saw that accused and his associates Rajkumar, mother of accused, Talib etc. gave fist and leg blows to Paras, Karan and Deepak. Complainant went to the spot and rescued Paras and other from the clutches of accused persons. Meanwhile, accused Ajay s/o Raj Kumar gave a knife blow in the chest and stomach of the complainant and fled away from the spot. Thereafter injured/complainant was taken to B.K. Hospital, Faridabad for treatment and thereafter was taken to Asian Hospital, Sector 21-A, Faridabad for treatment. In this background the FIR was registered against accused persons.

Learned counsel for the petitioner contends that the victim was taken to B.K. Hospital for treatment and was discharged on the next day. At that stage, the offence punishable under Section 307 IPC was not there in the FIR. According to him the offence was added later on after 04 days based on the opinion given by the doctor of private hospital. It is contended that sister of the victim is employed in the said hospital and in connivance, said addition of Section 307 IPC was made to make the offence grave. According to him the investigation of the case is complete and further custody of the petitioner is not justified.

On the other hand, learned State counsel assisted by ASI Rajbir Singh opposed the prayer for grant of bail to the petitioner on the ground

that the petitioner has caused two grave injuries with knife on the chest and abdomen of the complainant. However, it is not disputed that the challan stands filed before the trial Court. It is further pointed out that the material witnesses including the complainant have been examined by the prosecution whereas two witnesses have been given up by the prosecution.

At this stage, learned counsel for the petitioner contends that the remaining witnesses are the official witnesses and there is no possibility of their being won over.

Considering the above and the case set up by the prosecution qua the petitioner and the fact that the trial is likely to consume some time as out of 16 prosecution witnesses, only 05 have been examined and rest of the witnesses are still to be examined, no useful purpose will be served by detaining the petitioner any further in custody. Resultantly, without commenting anything upon merits of the case, the petitioner, namely, Naresh is ordered to be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

May 10, 2019
Vijay Asija

(**MANOJ BAJAJ**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No