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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20008-2019
Date of decision-09.05.2019

Manipal @ Titu

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rahul Jaswal, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Hemraj.

MANOJ BAJAJ, J.

Petitioner- Manipal @ Titu has prayed for grant of regular bail in case FIR No.118 dated 19.10.2018 under Sections 148, 323, 324, 341 and 506 read with Section 149 of Indian Penal Code registered at Police Station Bapoli, District Panipat. The petitioner is in custody since his arrest on 21.11.2018.

Learned counsel for the petitioner states that inadvertently, name of the petitioner is wrongly mentioned as Manipal @ Titu instead of Mainpal @ Titu. He prays for making necessary correction in memo of parties as well as in other places in the petition.

This fact is not disputed by learned State counsel.

Prayer is allowed.

Registry is directed to carry out the necessary correction.

The FIR was registered on the statement of the complainant Subhash wherein it was alleged that on 18.10.2018 at about 6.00 pm, when he was coming back to his residence on his motorcycle from his field and reached near Government Hospital a number of children were playing in the street. In order to save them, he turned his motorcycle on one side of the street. There Amit along with his accomplices were standing in front of the motorcycle of the complainant. When the complainant asked him to be on a side, so that they may not be harmed, he starting abusing. In the meanwhile, co-accused of the petitioner grabbed the complainant and petitioner gave several lathi blows to the brother of the complainant.

Learned counsel for the petitioner contends that as per the complaint, the petitioner is alleged to have caused the injury on the head of brother of the complainant. It is further contended that in all there were 9 accused and after completion of investigation 5 have been found innocent. According to him, the injury attributed to the petitioner, is not punishable under Section 307 IPC and the said offence was also added later on, i.e. after two days of the occurrence on 20.10.2018. According to him, the trial is likely to take some time and further custody may not be justifiable. He further refers to order dated 05.04.2019 whereby regular bail has already been granted to co-accused.

On the other hand, the bail is opposed by learned State counsel, who is assisted by ASI Hem Raj. There is no conflict that injury attributed to the petitioner is on the head and the injuries punishable under Section 307 IPC were allegedly caused by Vipin and Deepak. Vipin has been found

innocent whereas Deepak has been sent to face trial along with the petitioner.

Considering the above background, the custody period of the petitioner, the nature of injury attributed to the petitioner and the fact that the trial is likely to take some time, further custody of the petitioner may not be justifiable. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Panipat.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

09.05.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No