

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

**CRM-M No.43968 of 2018
Decided on: 16.01.2019**

Dharam Chand @ Dharmu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.S. Rozera, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Johan Kumar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.238 dated 05.07.2018, for offence punishable under Sections 323, 324, 326, 114, 34 of the Indian Penal Code (in short 'IPC'), registered at Police Station Chandhut, District Palwal.

Counsel for the petitioner has submitted that initially the FIR was registered under Sections 323, 324, 34 IPC and the petitioner was granted regular bail by the trial Court on 11.07.2018. It is further submitted that after obtaining the opinion from the Board of Doctors that the injury sustained by the complainant Kamal Singh is grievous in nature, Section 326 IPC was added and the petitioner was re-arrested on 01.09.2018. It is also submitted that the petitioner is no more required for further investigation.

Counsel for the State, on instructions from SI Jai Kishan, has not disputed the factual position but opposed the prayer for bail. It is further submitted that challan has already been presented and the statement of the complainant has also been recorded by the trial Court.

Counsel for the complainant, on the other hand, has however, submitted that the injury sustained by the injured Kamal Singh was, in fact, dangerous to life. It is further submitted that he has filed a petition for constitution of a second Medical Board.

Without commenting anything on merits of the case, considering the fact that the petitioner was earlier granted regular bail and later on, he was re-arrested when the police added Section 326 IPC; he is in judicial custody since 01.09.2018, the case is at the stage of recording the evidence of the prosecution and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

16.01.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No