

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-27238 of 2019
Date of Decision: 10.09.2019

Mandeep Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Rahul Rathore, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. L.S. Chahal, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The petitioner has filed fourth petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.694 dated 27.10.2016 under Sections 148, 149, 323, 325, 407(A)(1), 376, 511, 506 IPC registered at Police Station Assandh, District Karnal.

Counsel for the petitioner submits that the last petition filed by the petitioner for grant of regular bail i.e. CRM-M-51741-2018 *Mandeep Singh Vs. State of Haryana* was disposed of by this Court vide order dated 13.02.2019 with a direction to the trial Court to expedite the trial. He submits that though all the prosecution witnesses have been examined, but

when the case was fixed for defence evidence, the prosecution filed an application under Section 319 CrPC for summoning of 5 more additional accused, who were found innocent during investigation. Even an application under Section 311 CrPC has also been filed, which is pending before this Court in separate proceedings. He further submits that the doctor has opined that though injuries no.3, 4 and 6 on the person of Sumitra Rani were though grievous in nature, but the same were not found dangerous to life.

On the other hand, learned counsel for the complainant has referred to the medical report of Sumitra Rani, mother of the complainant, to contend that Injury no.4, as mentioned in the MLR, was caused by a blunt weapon, which shows fracture of 3, 4, 5 and 8th rib right side and 4th and 5th rib left side managed conservatively. He further submits that document, Annexure P-5, attached with the petition, is seriously doubted, as there are interpolations in this document. He has produced a photocopy of the original of this document and says that last two lines of this document (Annexure P-5) have been added at a later stage.

Learned State counsel has not disputed the stage of trial and submits that all prosecution witnesses have been examined and the case is at an advance stage and at this stage, the present petition for grant of regular bail is liable to be dismissed. It is for the defence to get the trial expedited.

I have heard learned counsel for the parties.

The injured Sumitra Rani has been medically examined in the case. The opinion of the Board of Doctors with regard to injuries no.3, 4 and 6 on the person of injured Sumitra Rani reads as under:-

“After examination of the MLR No.AV.441/2016KCMCH Karnal dated 19.10.16 of Sumitra Devi, t reatment record of Fortis Hospital vide UHIC No.653774 treatment record of Land Mark Hospital Chandigarh c UHID no.3172, the Board Members are of the opinion that injury no.3 mentioned in the MLR caused by blunt weapon shows fracture left femur sharp which was managed by femur hailing is grievous in nature. Injury no.4 mentioned in the MLR caused by blunt weapon shows fracture of 3, 4, 5 and 8th rib right side. 4th & 5th rib left side managed conservatively is also grievous in nature. Injury no.6 mentioned in the MLR shows fracture right clavicle which was also managed conservatively is also grievous in nature. Sd/- Doctors.”

The aforesaid injuries caused on the person of Sumitra Rani have been opined to be grievous in nature. So far as argument of counsel for the complainant that there were fractures in the ribs of Sumitra Rani and it is for this reason, charge under Section 307 IPC has been framed against the accused including the petitioner, this Court finds that culpability of the petitioner viz-a-viz the injuries so inflicted on the injured Sumitra Rani is yet to be established during trial. However, considering the fact that the petitioner is in custody since 24.12.2016 and after conclusion of evidence of the prosecution, when the defence evidence was to start, an application under Section 319 CrPC has been moved by the prosecution and in this manner, the trial is not likely to be concluded in near future and no useful purpose would be served to keep the petitioner in custody.

Further, the prosecution has also filed an application under Section 311 CrPC and proceedings therein are pending before this Court in separate proceedings. Thus, the trial in the case is not going to be concluded in the near future, whereas the petitioner is in custody since 24.12.2016. Therefore, this Court deems it appropriate to release the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of her bail bonds/surety bonds to the satisfaction of trial Court.

September 10, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No