

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

**CRM-M-29934-2019
Date of decision: 23.07.2019**

Harish and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Balraj Gujjar, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No. 988 dated 10.11.2018, registered under Sections 333, 353, 186 of the IPC (Sections 307, 506, 34 of the IPC added later on) at Police Station City Ballabhgarh, District Faridabad.

Learned counsel for the petitioners submits that while granting regular bail to co-accused Sunil, the following order has been passed by this Court on 30.04.2019 in CRM-M-15742-2019:

“Learned counsel for the petitioner submits that as per the allegations in the FIR, co-accused Kuldeep gave a spade blow on the forehead of the SPO Sandeep Kumar, who had gone to spot to calm down the dispute between the two rival groups.

Learned counsel for the petitioner further submits that as per the allegations, the injury invoking Section 307 IPC is not attributed to the petitioner and he is ready to deposit a demand draft of Rs. 30,000/- favouring the

complainant/SPO Sandeep Kumar, without any prejudice to his right to defence.

Learned State counsel, on instructions from ASI Ram Pal, has not disputed the factual position and submitted that challan has already been presented and the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned and on deposit of a demand draft of Rs. 30,000/- favouring SPO Sandeep Kumar, which shall be handed over by the trial Court to the official concerned.”

Learned counsel for the petitioners further submits that even no specific is attributed to the petitioners as the injury invoking Section 307 IPC is attributed to co-accused Kuldeep, who has not been arrested so far.

Learned counsel for the petitioners further submits that petitioners are also ready to deposit a demand draft of Rs. 30,000/- each favouring SPO Sandeep Kumar.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position and submitted that main accused Kuldeep is yet to be arrested.

Learned State counsel further submitted that petitioners are in judicial custody since 21.04.2019 and challan stands presented, however, no prosecution witness has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering

the aforesaid facts, the instant petition is allowed. Petitioners Harish and Yatish are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned and on deposit of a demand draft of Rs. 30,000/- each, favouring SPO Sandeep Kumar, which shall be handed over by the trial Court to the official concerned.

23.07.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No