

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

218

CRM-M-35698-2019 (O & M)
Date of Decision:03.09.2019

Ram Niwas @ Kallu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.57 dated 30.05.2019, under Sections 323, 341, 326, 506 and 34 IPC, registered at Police Station GRP Faridabad, District Faridabad. The petitioner is in custody since his arrest on 10.07.2019.

The prosecution case is that on 27.05.2019 at about 9.15 AM complainant Mohit got down at Palwal Station. Due to heavy rush, he bumped into Monu Bhadana on which accused started abusing him and threatened to teach him a lesson. On 28.05.2019, at around 9.15 AM when

complainant along with his brother Rohit got down at Palwal Station, accused Monu along with Kallu (petitioner) and others armed with 'dandas' and iron rod were present at the platform. On seeing the complainant, accused Monu instigated the other accused to teach him a lesson, on which all the accused started beating him with slaps and fist blows. When his brother Rohit intervened, Monu hit on the head of his brother with an iron rod with an intention to kill him, due to which Rohit received serious injuries on his head and blood oozed out. Kallu who was having danda, hit on the left side of the stomach of Rohit, due to which he fell down. The other accused started beating him with legs and fist blows. When they raised cries for help, the accused fled away from the spot after extending threat to kill them.

Learned counsel for the petitioner contends that the petitioner is accused of causing simple injury i.e. a 'danda' blow on the abdomen of right side of Rohit and for that initially offence punishable under Section 323 IPC was incorporated in the FIR. According to him, other injury i.e. on the head of the victim is attributed to Monu Bhadana which is punishable under Section 326 IPC. He submits that the investigation is complete and the trial is likely to consume some time.

On the other hand, learned State counsel assisted by HC Om Parkash has opposed the bail application. According to him, after completion of the investigation, offence punishable under Section 325 IPC has been added in relation to injury caused by the petitioner. However, it is not disputed that petitioner is in judicial custody and investigation is complete.

Considering the above background and the fact that the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

03.09.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No