

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-39811 of 2019
Date of Decision: 25.09.2019

Bhan Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Navjot Walia, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 174 dated 24.06.2019 registered for offences punishable under Sections 148, 149, 323, 324 and 506 of Indian Penal Code (for short, "IPC") at Police Station Kalayat, District Kaithal. (Offences punishable under Sections 325 and 307 IPC were added later on).

Heard.

Notice of motion.

On asking of the Court, Ms. Dimple Jain, A.A.G. Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her. She has filed the status report by way of affidavit of Deputy Superintendent of Police, Jhajjar, which is taken on record.

As per case of prosecution, the occurrence took place on

24.06.2019. FIR was registered on the statement of Chandi Ram, wherein he has stated that a minor scuffle took place due to collusion of tractor-trolleys of Jaimal Singh and Kuldeep Singh. The matter was, however, resolved with the intervention of villagers. Kuldeep Singh parked his tractor at a distance of 1 *kill*a and came to the spot on motorcycle with Butta Singh, Vikram and Bablu and caused injuries to Jaimal Singh and his son Shakti. The petitioner has been attributed injury on the head of Jaimal Singh with a *jelli*, which was declared grievous in nature making out an offence under Section 325 IPC.

Learned counsel for the petitioner submits that the injury suffered by Shakti, which was declared dangerous to life, has been attributed to co-accused-Vikram.

The petitioner was arrested in this case on 31.08.2019. The matter is still under investigation and challan has not been filed in this case.

Without expressing any opinion on merits of the case and keeping in view the nature of injury attributed to petitioner and the fact that completion of investigation, thereafter presentation of challan and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Bhan Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand

withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

September 25, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No