

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46410-2019

Date of Decision: 17.12.2019

Dharam Vir @ Dharma

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jangvir Singh Hooda, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Sumit Sangwan, Advocate for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.65 dated 12.02.2019, under Sections 148, 149 and 307 IPC and Section 25 Arms Act, 1959, registered at Police Station Hodal, District Palwal. He is in custody since his arrest on 05.03.2019.

The FIR in the present case was registered on the statement of complainant Jayotsana @ Jyoti, wherein it was stated that on 11.02.2019 at about 3:30 P.M., when she along with her brother-in-law (*Dewar*) Janak Singh was waiting for the school bus at the bus stop near fertilizer godown in front of Banchari Chowk, NH-2 to receive her children. In the meantime, Dharam Singh @ Dharma, Ravi, Thakra, Manish and Deepak came there and raised lalkara to kill Janak Singh. When he tried to flee, Manish and Deepak caught hold of him and Dharam Singh gave knife blows. Ravi gave danda blows on his head. Thakra pointed country made pistol towards him.

When the complainant raised noise to save them then the assailants fled away from the spot with their respective weapons. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the charges have been framed and the trial of the case is likely to consume some time, therefore, further custody of the petitioner may not be justified. He further submits that the recovery of the knife has already been effected from the petitioner and he is not involved in any other case.

Learned counsel for the complainant submits that the petitioner was armed with knife and had given injuries to Janak Singh.

Learned State counsel assisted by HC Jaiveer, has opposed the prayer on the ground that the petitioner is stated to have given knife blows in the abdomen and under arm of injured Janak Singh. However, he does not dispute the fact that the petitioner is not involved in any other case.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Resultantly, 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, Palwal.

The petition is allowed.

17.12.2019

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE