

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3362-2020

Date of Decision: 31.01.2020

Manish

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sunny Bhardwaj, Advocate for the petitioner.

Mr. Praveen Bhadu, DAG, Haryana.

Mr. Lokesh Sharma, Advocate
for the complainant.

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Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.219 dated 18.05.2019 under Sections 148, 149, 323, 427, 458 and 506 Indian Penal Code, 1860, registered at Police Station Tosham, District Bhiwani. The petitioner is in custody since his arrest on 13.09.2019.

The FIR was registered on the statement of Shamsher Singh wherein it was alleged that on the intervening night of 17/18.05.2019, when complainant, his wife Sunita and his son Naveen were sleeping in their house, at about 12.40 a.m., Parmod, Mintu @ Banta, Rahul along with other 3-4 persons entered into their house. They all were armed with axe, lathis and dandas. Parmod gave an axe blow on the head of the complainant. Thereafter, other persons also gave injuries to the complainant and his family members with their respective weapons. On raising noise, when neighbours came there, all assailants fled away from the spot with their

respective weapons. When lights were switched on, Parmod was lying on the floor of the room, who suffered head injuries. On these broad allegations, FIR was registered.

Mr. Sunny Bhardwaj, learned counsel for the petitioner argued that co-accused of the petitioner, namely, Parmod had died in the alleged occurrence and a case FIR No.230 dated 29.05.2019 under Sections 148, 149, 302, 323 and 342 read with Section 34 IPC was registered against Shamsher Singh (complainant in the present case). He submits that the investigation of the case is complete and the challan has been filed on 22.10.2019. It is pointed out that complainant Shamsher Singh has already been released on bail by the trial Court in the cross version recorded for the offence punishable under Section 302 IPC. It is further pointed out that the co-accused of the petitioner, namely, Sajil has been extended the concession of regular bail by this Court.

On the other hand, learned State counsel who is assisted by ASI Ramdhar has opposed the prayer. He has pointed out that the case has been committed before the Court of Sessions only on 21.12.2019 and the charges are yet to be framed. He does not dispute the fact that the co-accused Sajil has been released on regular bail by this Court and the case of the petitioner is at par with him.

The learned counsel for the complainant also opposed the prayer on the ground that the complainant is yet to be examined and therefore, till the complainant is examined, the concession of bail be not extended to the petitioner. He does not dispute this fact that the complainant who is an accused in the cross case has already been released on bail.

After hearing learned counsel for the parties, this Court is of the

opinion that trial of the case is likely to consume considerable time, therefore, further detention of the petitioner 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 concerned.

The petition is allowed.

31.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No