

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2024.07.30 16:42
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CRM-M-14732-2020 (O/M)
Date of decision : 30.07.2020

Dheeraj Petitioner
Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Sanchit Punia, Advocate for the petitioner.
Mr. Vivek Saini, Additional A.G. Haryana.

Harinder Singh Sidhu, J.

This is petition filed under Section 439 Cr.P.C. for grant of bail during the pendency of trial in case FIR No.192 dated 28.04.2019 registered under Sections 147, 149, 323, 341, 506, 307, 114, 120-B IPC at Police Station HTM Hisar, District Hisar.

The case was lodged on the statement of Naveen, who alleged that on 26.04.2019 at about 7.30 am, when he along with his parents and younger brother Sandeep was at his new house, his neighbor Bansi Lal started uttering filthy abuses at them. After some time, his mother Guddi came there and assured that she would convince her son not to swear at them. The same day at about 5.30 pm, Guddi, mother of Bansi Lal came along with Ravi Yadav, Lalit @ Bona and two other boys. She asked them to beat Naveen – complainant, whereupon, the boys who were having dandas in their hands beat the complainant. On raising alarm, the mother, wife, sister and brother of the complainant tried to set him free. The boys also caused injuries to Sandeep-brother, Priya-wife and Indu-sister of the complainant. Thereafter, the assailants left the place uttering threats. The injured were shifted to the hospital.

Learned counsel for the petitioner argued that he was not named in the complaint, whereupon, the FIR was lodged. No overact was attributed to him at the first instance and he was first named only in the disclosure statement.

Vide order dated 25.06.2020, the State counsel was asked to verify with regard to the present health condition of injured Sandeep, who was suffering from amnesia and memory impairment.

Learned State counsel has filed status report by way of affidavit of Ashok Kumar, HPS, Deputy Superintendent of Police, HQRS, Hisar in which present health condition of Sandeep who was suffering from amnesia and memory impairment obtained from Medical Officer, Jindal Hospital, Hisar has been explained. It is stated in the affidavit that as per opinion obtained from the Medical Officer on 14.07.2020, 'Patient Sandeep is conscious/oriented and obeys command to him, place and person and fit for statement'.

Petitioner is in custody since 15.06.2019. The trial of case may take long time. Out of 17 cited prosecution witnesses, none has been examined so far. No useful purpose will be served by keeping him in custody till the final disposal of case.

Keeping in view the facts and circumstances of present case, without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and petitioner (Dheeraj) is ordered to be released on bail subject to furnishing of bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

30.07.2020
sjks

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes/No