

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

(Proceedings conducted through video Conference)

207

CRM-M-17181-2020 (O&M)

Date of decision: 17.07.2020

JAGDISH CHAND

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail in FIR No.148 dated 12.05.2020 registered at Police Station Chandimandir, District Panchkula for offence under Sections 148, 149, 188, 269, 270, 307, 323, 440 and 506 IPC.

Heard.

Notice of motion to the Advocate General, Haryana.

Mr. Apoorv Garg, DAG, Haryana, appears on behalf of State of Haryana.

Counsel for the petitioner has submitted that offence under Section 307 IPC has been later converted to that under Section 326 IPC. He would further argue that injury constituting offence under Section 326 IPC was sustained by Jagbir Singh and attributed to co-accused/non-applicant namely Sukhdev. It has further been argued that no specific injury has been attributed to the petitioner against whom there are allegations that he along with his other family members started hurling stones and bricks. According to counsel, there was an altercation between the two families in respect of whats-app status posted by Digvijay and a cross case has been registered against the complainant party. It is further argued that during confinement in jail, the petitioner aged about 80 years developed heart problem and was given treatment. The last submission made by counsel is that on completion of investigation, challan has been presented in the Court and petitioner is ready to face trial without any default.

Counsel representing State of Haryana has not disputed factual

submissions made by counsel for the petitioner but would submit that the Court below has taken note of report received from Deputy Superintendent, Central Jail, Ambala wherein condition of the petitioner was reported to be good. He has further conceded that offence under Section 307 IPC has been converted to that of under Section 326 IPC and grievous injury has been sustained by Jagbir Singh at the hands of Sukhdev. He would further concede that Jagbir Singh was discharged from hospital 15 days after the incident.

The offences registered at present are triable by the Judicial Magistrate. The petitioner is no longer required for the purpose of investigation as challan has been presented in the Court. The grievous injury constituting offence under Section 326 IPC has not been attributed to the petitioner. There is no allegation that petitioner is likely to flee from process of justice in case enlarged on bail.

Without meaning to express any opinion on merits of the case, the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate, Panchkula. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) He shall not leave India without previous permission of the Court.

Disposed of.

17.07.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No