

CRM-M-24229-2020

Date of decision: 28.08.2020

GURSHARAN SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).*

VIVEK PURI, J. (ORAL)

The petitioner is seeking bail under Section 439 Cr.P.C in case bearing FIR No. 102 dated 02.05.2020 under Sections 147/148/323/324/326/452/506 IPC, at Police Station Kalanwali, District Sirsa, which has been registered on the basis of the statement made to the Police by Harpal Singh @ Meeta alleging that on 01.05.2020 at about 09:15 pm, he alongwith his wife Mohinder Kaur and Naima Kaur were present in the house. Kashmir Singh and Gursharan Singh-petitioner entered the house by scaling the wall. Kashmir Singh opened the main door of the house and three other persons with muffled faces also gained entry. Gursharan Singh-petitioner inflicted sword blow on both the legs and right elbow. Kashmir Singh inflicted sword blow on the thighs of the wife of the complainant and alarmed was raised. The assailants abducted Naima Kaur. It has been further alleged that Naima Kaur was in live-in relationship with the petitioner and on account of dispute, Naima Kaur had been residing with family of the complainant.

arrest of the petitioner was effected on 15.05.2020, the injury under Section 326 IPC has been attributed to the petitioner on the person of the complainant but both the injured have since been discharged from the hospital.

It has been further stated that the complainant alongwith his wife had been exploiting Naima Kaur. Even no offence under Section 365 IPC has been added and the petitioner is the husband of Naima Kaur. Furthermore, the investigation of the case is complete, the challan has already been presented in the Court and the offences are triable by the Judicial Magistrate 1st Class.

On instructions from ASI Sant Kumar, learned State counsel has not disputed the aforesaid factual aspect.

In the instant case, considering the fact that the injured have been discharged from hospital, the challan has already been presented in the Court, the offences are triable by Judicial Magistrate 1st Class and conclusion of the trial is likely to take sometime, no fruitful purpose will be served by keeping the petitioner further behind the bars in the present case.

Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate/trial Court.

28.08.2020
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(VIVEK PURI)
JUDGE

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