

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33937-2019

Date of Decision: 08.01.2020

Sherpal Sharma

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Dhruv Gupta, Advocate for the petitioner.

Mr. Nischal Mann, DAG, Haryana.

Mr. Arvinder Pal Singh, Advocate for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.15 dated 17.01.2019, under Sections 307/323/324/325/326/201/341/506/148/149 IPC, registered at Police Station Mullana, District Ambala. He is in custody since his arrest on 25.01.2019.

The FIR in the present case was registered on the statement of complainant Ketan Sharma son of Sant Ram Sharma (victim), wherein it was stated that Pooja w/o Prince @ Kaala had borrowed some money from his father and on non-payment of money, his father had filed a case against her. When the complainant, his mother and father were returning to home after attending hearing of the case in a Figo car, accused Sherpal and Prince reached there on scooty and parked their scooty in front of the car and dragged his father from the car. Sherpal gave a gandasi blow on the forehead of his father-Sant Ram Sharma (victim) and Prince @ Kaala gave a

gandasi blow on the back side of the head of the victim. When the complainant and his mother raised alarm, the accused fled away from the spot with their respective weapons from the spot. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the petitioner is in custody since 25.01.2019 and Section 307 IPC was added subsequently. He submits that the charges were framed on 14.05.2019 and no witness has been examined so far and the trial is likely to consume considerable time and, therefore, further custody of the petitioner may not be justified.

On the other hand, learned State counsel assisted by ASI Gyan Chand and learned counsel for the complainant have opposed the prayer, however, it is not disputed that no witness has been examined so far.

Considering the custody of the petitioner and the fact that the trial of the case is likely to consume considerable time, therefore, further custody 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 Ambala.

The petition is allowed.

08.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No