

**CRM-40542-2019 in/and
CRM-M-48212-2019**

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**214+110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-40542-2019 in/and
CRM-M-48212-2019
Date of decision-08.01.2020**

Sajil

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sushil Sheoran, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Aditya Sanghi, Advocate for the complainant.

MANOJ BAJAJ, J.

CRM-40542-2019

Application is allowed as prayed for.

Annexure P-5 is taken on record.

Main case

Petitioner-Sajil has preferred 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, 459, 506 and 120-B of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 registered at Police Station Tosham, District Bhiwani. The petitioner is in custody since his arrest on 27.07.2019.

The FIR was registered on the statement of Shamsher Singh wherein it was alleged that on the intervening night of 17.05.2019 and 18.05.2019, when complainant, his wife Sunita and his son were sleeping in

their house, at about 12.40 a.m., Parmod, Mintu @ Bansa, Rahul along with other 3-4 persons entered into their house. They all were armed with lathis, sticks and rods etc. Parmod who was armed with an axe gave 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, the Parmod was lying on the floor who suffered head injuries. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the investigation of the case is complete and the challan stands filed. He submits that his accomplice, namely, Parmod died in the said occurrence and a case FIR No.230 dated 29.05.2019 under Sections 148, 149, 302, 323 and 342 read with Section 34 IPC stands registered against the complainant of the present FIR No.219 dated 18.05.2019. He contends that the petitioner is in custody since his arrest on 27.07.2019. It is pointed out that the 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.

On the other hand, learned State counsel who is assisted by ASI Sanjay Kumar has opposed the prayer. She 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.

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.

(MANOJ BAJAJ)
JUDGE

08.01.2020
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No