

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

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CRM-M no.20200 of 2021(O&M)

Date of Decision:28.06.2021

Dharambir alias Gholu

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Shbubham Kaushik, Advocate, for the petitioner.

Mr. Zorawar Singh Chauhan, AAG, Haryana.

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.615, dated 25.09.2020, having been registered at Police Station City Hansi, alleging therein the commission of offences punishable under the provisions of Sections 147, 149, 323, 324, 326 of the IPC and Section 25 of the Arms Act.

Learned counsel for the petitioner submits that other than the fact that there was a delay in lodging the FIR, the opinion as regards grievous injuries on the two injured persons, was given by a private hospital, with no reference having been made in the report submitted under the provisions of Section 173 Cr.P.C., of them having even gone to the Government Hospital at Hansi, though the FIR is to that effect.

He next submits that there is no injury at all attributed to the petitioner (Gholu), the allegation against him being that he was carrying a pistol but with that pistol not having been used other than to allegedly push away the complainant/his companion.

He further submits that the petitioner has been in custody for about 5 months now with the trial still not having commenced.

Learned State counsel though could not deny that there is no specific injury attributed to the petitioner, however submits that the petitioner is involved in 9 other cases and that the occurrence took place because of a scuffle earlier between him and the complainant.

Simply keeping in view of the fact that there is no injury attributed to the petitioner even as per the FIR, looking at the period of his custody but without making any comment whatsoever on the actual merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

June 28, 2021

dharamvir

(AMOL RATTAN SINGH)
JUDGE

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