

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

(214)

CRM-M-44674-2021.
Date of Decision:-29.11.2021.

Dilbag Singh and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Jitender Dhanda, Advocate for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Vikas Bishnoi Godara, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 439 of Cr.P.C. for grant of regular bail to the petitioners-Dilbag Singh and Shamsher Singh in FIR No.164 dated 19.07.2021 under Sections 148, 149, 452, 323, 324, 325 and 326 and 506 of IPC, registered at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioners has submitted that at this stage, the present petition qua petitioner No.2-Shamsher Singh be dismissed as withdrawn.

In view of the statement made by learned counsel for the petitioners, the present petition is dismissed as withdrawn at this stage qua petitioner No.2-Shamsher Singh .

With respect to petitioner No.1-Dilbagh Singh, learned counsel

CRM-M-44674-2021

for the petitioners has submitted that even as per the prosecution version, petitioner No.1-Dilbag Singh is stated to have given injury on the head of the complainant's sister-Kavita with the help of digging rod and the said injury is simple in nature. It is submitted that petitioner No.1-Dilbag Singh has been in custody since 30.07.2021 and challan in the present case has been filed and no witness has been examined as yet and, thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case.

Learned State counsel on instructions from ASI Jasbir Singh as well as counsel for the complainant have opposed the petition and have submitted that petitioner No.1 along with other persons had inflicted grievous injury upon the complainant and had also inflicted injuries upon two other persons. It is, however, not disputed that the injury attributed to the petitioner No.1 is simple in nature and even the fact that the petitioner is not involved in any other case has not been disputed.

Keeping in view the above-said facts and circumstances, moreso, the fact that the injury attributed to the petitioner No.1 is simple in nature and the challan in the present case has been filed and the petitioner No.1 has been in custody since 30.07.2021 and none of the witnesses have been examined as yet and he is not involved in any other case, the present petition qua petitioner No.1 deserves to be allowed.

Accordingly, the present petition is allowed qua petitioner No.1-Dilbag Singh and he is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

CRM-M-44674-2021

Disposed of in the above terms.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

November 29, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No