

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

CRM-M-46797-2019 (O&M)

Date of Decision: 25.11.2021

Vijay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. V.P. Sangwan, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana,
for the respondent.

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.493 dated 30.06.2019, under Sections 323, 324, 506, 326, 34 of the Indian Penal Code, 1860; Section 3 (2) V-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, registered at Police Station City Bhiwani, District Bhiwani.

FIR was registered on the basis of statement made by one Mohit son of Bijender with the allegations that on 29.06.2019 at about 10.00 P.M., he had come out for a walk after taking dinner. On the turn of street, 6/7 boys including Amit, Ajay, Vijay & Sonu were standing, who abused in the name of caste and also intimidated to kill him. Petitioner (Vijay) gave an axe blow on the head; whereas, other boys inflicted stick blows on his back. Upon this, Joginder son of Zile Singh and some other persons came

to his rescue.

This Court, on 01.06.2020, passed the following order:-

“On the last date of hearing, i.e. on 15.05.2020, following order was passed by this Court:-

“During the course of hearing, it has been pointed out by learned counsel for the petitioner that in the same occurrence, the petitioner was attributed injuries at the first instance by the complainant and the injuries are depicted in para 4 of the petition.

Also contends that the complainant is having the criminal background and facing two criminal cases, i.e. FIR No.80 dated 02.04.2018 under Sections 147, 149, 323, 341 and 452 of IPC, Police Station Civil Line, Bhiwani and FIR No.723 dated 10.09.2019 under Sections 147, 149, 323, 341 and 506 of IPC, Police Station, City Bhiwani.

Faced with the situation, learned State counsel seeks time to have instructions in the matter.

List on 29.05.2020.”

In terms of the above, learned State counsel, on instructions from Sub Inspector Ravinder Kumar, has acknowledged that both the FIRs as noticed above are pending against the complainant. Further stated that so far as necessary action against the complainant regarding the injuries suffered by the petitioner are concerned, she requires some more time to have appropriate instructions.

On her request, adjourned to 16.07.2020.

In the meanwhile, the petitioner is ordered to be released on interim bail, till the next date of hearing, on his furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned. ”

Learned counsel for the petitioner submitted that trial is pending for 13.01.2022; petitioner was granted interim bail on 01.06.2020 and he is regularly appearing before learned trial Court. Also submitted that there is no complaint against the petitioner that he is likely to threaten the witnesses in any manner.

Learned State counsel after getting instructions from the official concerned was not able to controvert the contentions raised on behalf of the petitioner; rather with usual fairness, acknowledged the same.

Heard both sides and perused the paper-book.

There is no dispute that petitioner was granted interim bail by this Court on 01.06.2020 and since then, he is regularly appearing before learned trial Court. There is no allegation that he is likely to influence the witnesses or hamper the trial in any manner, therefore, at this stage, sending the petitioner to judicial custody would not serve any purpose.

In view of the above, the present petition is allowed; interim bail granted by this Court on 01.06.2020, is confirmed subject to his furnishing fresh bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an

appropriate application for recalling of this order.

25.11.2021
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(MAHABIR SINGH SINDHU)
JUDGE

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