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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-9220-2022

SANDEEP

...Petitioner

Versus

STATE OF HARYANA

...Respondent

2. CRM-M-2303-2022

PARDEEP

...Petitioner

Versus

STATE OF HARYANA

...Respondent

Date of decision: 20.07.2022

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ravi Malik, Advocate
for the petitioner(s).

Mr. Tapan Kumar, DAG, Haryana.

Mr. Raman Chawla, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

By this common order, both the aforesaid petitions are being
disposed of.

CRM-M-9220-2022 is the second petition that has been filed
under Section 439 of the Code of Criminal Procedure for grant of regular bail
by petitioner Sandeep in case FIR No. 0729 dated 30.11.2021, registered under
Sections 323, 324, 506, 34 IPC (Sections 325, 326 IPC added later on) at

Police Station Narnaund, District Hisar, Haryana.

CRM-M-2303-2022 is the first petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to petitioner Pardeep in the aforesaid FIR.

Learned counsel for the petitioners herein would contend that the petitioners have been falsely implicated in the said FIR and have been in custody since 28.12.2021, in a case which is triable by a Magistrate. He would submit that the trial is not progressing and, therefore, their custody would be unwarranted.

Learned State counsel and learned counsel for the complainant would oppose the grant of regular bail to the petitioners by contending that there are no changed circumstances to allow either petitioner Sandeep to be released on regular bail after dismissal of his first bail application or even Pardeep, who is his brother.

The FIR came to be registered on the statement given by one Sube Singh that he along with his wife Sheela had been attacked by the petitioners using an axe and *stick*. The petitioner Sandeep hit the complainant on the back apart from giving stick blow on the head of the wife of the complainant, who stepped forward to try and save the complainant, whereas, petitioner Pardeep gave an axe blow on the head of the wife of the complainant, which has attracted Section 326 IPC added along with Sections 323, 324, 325, 506 and 34 of the IPC. As per the opinion of the Medical Board, injury No.3 on the person of Sheela has been caused by a sharp edged weapon and, therefore, the trial Court has rightly observed that until and unless the complainant and his wife are not examined, there would be no occasion to allow regular bail to the

petitioners.

I have heard learned counsel for the parties and find no ground to allow the concession of regular bail to the petitioners at the present moment since there is no change in the circumstances. The zimni orders would reveal that the complainant and his wife were summoned on 02.05.2022 through bailable warrants in a sum of Rs.5,000/- each with one surety for 16.05.2022, however, they did not put in an appearance on the date so fixed. On 16.05.2022, they were again summoned through bailable warrants. On account of their non appearance, on 30.05.2022, non-bailable warrants were issued against them for 10.06.2022. The matter was then taken up for hearing on 10.06.2022, on which date the Court was not being held and the matter was adjourned for 24.06.2022, on which date the accused could not be produced in Court. Thereafter, the matter stood adjourned to 08.07.2022, on which date again, the Court was not being held. The matter is now listed for 04.08.2022. Learned counsel for the complainant would submit that Sheela, one of the injured, would put in an appearance on that date and also an endeavour will be made to produce the complainant-Sube Singh on that day.

In view of the above, since the material witnesses, one of whom has been inflicted head injuries by an *axe* and *stick* are yet to be examined, no ground is made out to entertain the prayer for grant of regular bail to the petitioners.

Dismissed.

(JAISHREE THAKUR)
JUDGE

20.07.2022
Chetan Thakur

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No