

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

**CRM-M No. 10674 of 2020
Date of Decision: 19.07.2022**

Ravinder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gagandeep Singh Gill, Advocate for
Mr. S.P. Soi, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, Deputy Advocate General, Haryana

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. 313, dated 11.05.2019, under Sections 323, 307, 506 & 34 of the Indian Penal Code, 1860, registered at Police Station Model Town Rewari, District Rewari.

The above mentioned FIR was registered on the statement of one Sandeep to the effect that on 09.05.2019, at about 9-15 a.m., he was going to his plot on motor-cycle bearing registration No. HR36AA-6893 and when he reached in front of the gate of Panchayat Ghar then accused Ravinder and his co-accused Mahesh Kumar gave a call to him upon which he stopped his motor-cycle. As soon as they reached to him, accused-Ravinder caught hold of him from behind while he was sitting on the motor-cycle and co-accused Mahesh Kumar gave stab injury with ice pick (Suwa) on his chest and accused-Ravinder gave four blows with ice pick on his back. Thereafter, he (complainant) fell down alongwith the motor-cycle.

The complainant further alleged that before the occurrence, on 08.05.2019

in the evening, the accused persons threatened to kill him.

This Court, on 01.10.2020, while granting interim bail to the petitioner, passed the following order in the main case:-

“ Learned Counsel for the petitioner pointed out that the co-ordinate Bench of this Court, vide order dated 04.08.2020 (P-5) has granted bail pending trial to co-accused, namely, Mahesh Kumar.

Learned State Counsel has submitted that injuries caused to the complainant were declared as dangerous to life, but learned Counsel for the petitioner made a reference to testimony of Dr. Kuldeep Sharma (PW-4) to the effect that patient (complainant) had left the hospital against the medical advice within two and half hours of his arrival.

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

On his request, adjourned to 15.12.2020.

Since co-accused has already been granted the concession of bail pending trial by the co-ordinate Bench of this Court, therefore, in the meanwhile, let petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. ”

Learned State Counsel, on instructions, has apprised the Court that entire prosecution evidence is over, and now case is pending for defence evidence and arguments.

In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose.

Consequently, the present petition is **allowed** and interim bail granted vide order dated 01.10.2020, is made absolute. Petitioner be admitted to bail on his furnishing bail/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.

July 19, 2022
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>