

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 206

CRM-M-27988-2022 (O&M)

Date of decision : 13.12.2022

Maan Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ashit Malik, Advocate, for the petitioner.

Mr.Sharad Aggarwal, AAG, Haryana.

Mr.Shiv Kumar Sharma, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.270 dated 10.05.2021 registered under Sections 148, 149, 323, 307, 324 and 506 IPC at Police Station Shahabad, District Kurukshetra.

The petitioner, alongwith his co-accused, is being prosecuted for having inflicted injuries on four persons out of whom the injury on the person of the complainant-Nathi Ram has been declared to be dangerous to life.

Learned counsel for the petitioner submits that the petitioner is a 75 year old man who has been falsely implicated in this case; he has suffered incarceration for over 01 year and 03 months; investigation in the case is complete and therefore the petitioner is in no position to influence the same; the petitioner has been attributed only a simple injury and that too on a non-vital part of the body of the complainant; co-accused Mahinder Singh who has been attributed the injury which has been declared dangerous to life has been granted regular bail by this Court; the petitioner is suffering from pulmonary tuberculosis with cardiovascular accident (stroke with right hemiplegia); the petitioner has not misused the concession of interim bail granted by this Court and that since in the petitioner's trial 14 prosecution witnesses still remain to be

examined, the same will take a long time to conclude.

Learned State counsel does not dispute the period of incarceration of the petitioner as also his medical condition but opposes the grant of bail to him on the ground that he is an accused of having caused several injuries on four persons which include one injury on the complainant which has been declared dangerous to life and that he is also an accused in another criminal case under Sections 323, 427, 506, 148 and 149 IPC.

The petitioner is a 75 year old man; he has suffered incarceration for over one year and three months; the injury attributed to the petitioner has been declared to be simple in nature; co-accused Mahinder Singh who has been attributed the injury which has been declared dangerous to life has already been granted regular bail by this Court; the petitioner's medical condition is poor as he is presently undergoing treatment for pulmonary tuberculosis as also cardiovascular accident (stroke with right hemiplegia); he did not misuse the concession of interim bail granted to him by this Court and that since 14 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kurukshetra, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

13.12.2022
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Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No

[DEEPAK SIBAL]
JUDGE