

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32969-2021

Date of Decision: 21.09.2022

Krishan

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Raman Chawla, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

Status report has been filed by the State which is taken on record.

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 770 dated 22.11.2020, under Sections 307, 506, 34 IPC and Section 25/54 of Arms Act, registered at Police Station Barwala, District Hisar.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 08.02.2021 which is more than 1 ½ years and investigation of the case is already complete and thereafter, the challan has been presented before the competent Court and thereafter, even the complainant has been examined after the framing of the charges. He

submitted that it is a dispute between brothers. The petitioner is the brother of the complainant and there was a dispute pertaining to the partition of land and that was the reason as to why the petitioner was falsely implicated. He further submitted that during the course of investigation Section 307 IPC was added but now a status report has been filed by the Deputy Superintendent of Police, Law and Order, Hisar in which it has been specifically stated in para No.4 that the investigating officer did not seek any opinion from the doctor during investigation of the case and there was no specific medical opinion with regard to the nature of injuries from the doctor. He further submitted that be that as it may, now no recovery is to be effected from the petitioner and he has already faced incarceration for more than 1 ½ years and therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody for the last more than 1 ½ years and now the complainant has been examined. He further submitted that it is also correct that no medical opinion was obtained with regard to the nature of injuries. He has however submitted that in the present case during the pendency of trial, the petitioner had threatened the complainant and in this regard an FIR was also registered and has therefore, opposed the grant of regular bail to the petitioner.

However, replying to arguments raised by the learned State counsel, it was submitted by the learned counsel for the petitioner that such kind of allegations made by the complainant with regard to threatening

petitioner and the complainant are real brothers and dispute was with regard to partition of land and the petitioner has never threatened anybody in this regard. He further submitted that the petitioner undertakes to comply with all the conditions imposed by the Court and therefore, the petitioner may be considered for the grant of regular bail especially considering the long custody of the petitioner.

I have heard the learned counsel for the parties.

The petitioner is in custody from 08.02.2021. The complainant has already been examined. The petitioner is not involved in any other case except in one case where the allegation was that he had threatened the complainant. As per learned counsel for the petitioner, no further recovery is to be effected from the petitioner.

Therefore, considering the aforesaid facts and circumstances and considering the fact that the trial of the case may take long time and the petitioner has already faced incarceration for more than 1 ½ years, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

21.09.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No