

(234) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41301-2022

Date of Decision: 14.09.2022

Shashi

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Kanika Ahuja, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition is for the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0287 dated 16.04.2022 (Annexure P-1) registered under Sections 307, 323, 324, 34, 506 IPC, 1860 (Section 120-B of IPC and Section 25 of Arms Act added later on) at Police Station Krishna Gate, Thanesar, Kurukshetra.

2. The brief facts of the case are that the statement of Bimla Devi wife of late Chaman Lal was recorded to the effect that she did household work and was present at her home when her son Pardeep told her that he had an argument on some issue with Vikas son of Ramesh. During the course of that argument, Shashi (petitioner) visited the spot and threatened Pardeep. Thereafter, she along with her son Pardeep went to the Police Chowki and gave a complaint against Shashi and Vikas and after giving the complaint went back home. On account of the complaint, the Chowki employee summoned them to the Chowki and she along with her son Pardeep and other

son Shubham went to the Chowki. At that time Shashi and Vikas came there and on seeing her along with her sons sitting below the Pipal Tree in the Police Chowki started shouting and attacked her son Pardeep on various parts of the body with a knife with an intention to kill. She and her son Shubham along with a Police personnel present in the Police Chowki got Pardeep freed from Shashi and Vikas. However, a lot of blood was shed on account of injuries. After that she and her son Shubham got Pardeep admitted in Government Hospital from where the doctors referred to Kurukshetra Hospital. Thereafter, Rajni (since granted bail vide order dated 12.07.2022 passed in CRM-M-28401-2022) came to her house and threatened them saying that the secret information had been given by her son Pardeep to the Police because of which she would get her son Pardeep killed within two days. Based on the said complaint, the present FIR came to be registered.

3. The learned counsel for the petitioner submits that undoubtedly, the petitioner is one of the main accused in the present case. She however, contends that the version of the complainant apparently seems to be improbable since the offence as alleged could not have been committed near the Police Post. She contends that though knife injuries have been said to have been given to Pardeep but there are no stab wounds on his person as is borne out from the MLR. She further contends that the petitioner has been in custody since 16.04.2022 and none of the 21 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded in the near future. In the two other cases under the NDPS Act pending against the petitioner, he has been granted the concession of bail as is borne out from the order dated 23.09.2019 passed in CRM-M-23454-2019

and order dated 11.02.2021 passed by the learned Additional Sessions Judge-cum-Judge Special Court, Kurukshetra. It is lastly contended that the co-accused of the petitioner namely, Rajni has been granted the concession of bail, though undoubtedly, her case is on a different footing. She thus, prays for the grant of bail.

4. On the other hand, the learned State counsel contends that the petitioner is one of the main accused having criminal antecedents. The nature of the allegations against the petitioner does not entitle him to the grant of bail. He however, does not dispute the period of custody undergone by the petitioner or the fact that no prosecution witness has been examined and in the other cases registered against the petitioner, he is on regular bail.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioner has been in custody since 16.04.2022 and 21 prosecution witnesses are to be examined, none of whom have been examined so far. The injured stands discharged from the hospital and in the other cases registered against the petitioner, he has been granted the concession of regular bail. As no prosecution witnesses have been so far, therefore, the trial of the present case is not likely to be concluded in the near future. In such a situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Shashi son of Shri Shiv Dayal is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

14.09.2022

JITESH

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