

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28353-2023

Date of Decision: 09.08.2023

Bansi Lal

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. R.S.Mamli, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.0220 dated 18.10.2022 registered under Sections 323, 324, 307 of IPC (Section 506 of IPC added later on) at Police Station Bhattu Kalan, District Fatehabad.

As per the allegations levelled by the complainant in the FIR, she is the wife of Bansi Lal, the present petitioner. She was staying with her husband and her husband used to quarrel with her after consuming liquor. At about 12.00 p.m., on 18.10.2022, her husband came home under the influence of liquor and attempted three times to inflict injuries with knife on her neck after catching hold of her face. She tried to save herself and her husband i.e. the petitioner caused injuries on both her hands with the knife. She was rescued by her eldest son Vivek and was shifted to the hospital.

Learned counsel for the petitioner submits that the petitioner is aged about 60 years and is staying with the complainant and their three children. Even the injuries were not caused by him and the complainant had

suffered injuries due to fall from the stairs. Since the relationship between the petitioner and complainant were not cordial, a false case had been registered against him. Learned counsel further contends that the petitioner was arrested in the present case on 19.10.2022 and is in custody for the last more than 9 months. Learned counsel further contends that Sunita, injured/complainant has been examined as PW-1, however, she did not support the case of the prosecution and was declared hostile by the learned trial Court.

On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is the main accused and is not entitled for grant of bail.

I have heard the learned counsel for the parties and perused the record.

It is not in dispute that the petitioner is in custody since 19.10.2022 and only one witness has been examined, out of total 12 witnesses. Further, Sunita, injured/complainant has already been examined as PW-1 and has not supported the case of the prosecution. Even the petitioner is a first offender and is not involved in any other criminal activity.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

09.08.2023

hemlata

(N.S.SHEKHAWAT)
JUDGE

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