

CRM-M-54596-2023

2023:PHHC:141881

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(228)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54596-2023

Date of Decision: 07.11.2023

SHISHPAL @ SITI

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

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

Mr. Kapish Singla, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.80 dated 09.03.2023 registered under Sections 323, 324, 307, 325, 326, 506, 120-B, 34 IPC, 1860 at Police Station Taraori, District Karnal.

2. The present FIR came to be registered at the instance of Karam Singh son of Raju who stated that on 08.03.2023 at about 01.00 PM Kamal son of Mahavir, Laxman @ Licha son of Mahavir and Shishpal @ Siti (petitioner) son of Dayanand were dancing after having consumed liquor on the festival of Holi in front of his house. In the meantime, all the three persons started abusing them (complainant party). On being asked as to why they (complainant party) were being abused, Kamal caught him (complainant) by his neck. When his (complainant's) uncle son Anil tried to get him released then Kamal, Laxman and Shishpal @ Siti took out knives

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from their pockets and jointly attacked him (complainant) and Anil with knives with an intention to kill them. Kamal gave a knife blow to him (complainant) on the side of his chest and another struck his left hand. Then all the three caught hold of Anil felled him to the ground and jointly caused injuries to his (Anil's) chest. When his family members intervened, then he (complainant) and his brother Sahil and Ajay also suffered injuries. On raising of a Rola, all the assailants fled away from the spot.

3. The learned counsel for the petitioner contends that the allegations levelled against the petitioner are baseless. Both Karam Singh and Anil were medico-legally examined. Both the injuries suffered by Karam Singh were found to be grievous in nature whereas one injury on the person of Anil was found to be grievous. None of the injuries were opined to be dangerous to life. Injured Anil son of Jaswinder Singh had sworn an affidavit that the petitioner had not caused any injury to him. As the petitioner was in custody since 05.04.2023 and none of the 20 prosecution witnesses had been examined so far, he was entitled to the concession of bail moreso when in the one other case pending against him bearing No.283 of 2021 under Sections 143, 149, 160, 294 IPC, Police Station Nissing, District Karnal, he had been granted the similar concession.

4. On the other hand, the learned State counsel along with the counsel for the complainant contend that serious allegations had been levelled against the petitioner. He along with his co-accused had brutally assaulted the complainant party. Therefore, he was not entitled to the concession of bail. However, they concede that the petitioner was in custody

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since 05.04.2023, none of the 20 prosecution witnesses had been examined so far and that none of the injuries were opined to be dangerous to life.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 05.04.2023 and none of the 20 prosecution witnesses have been examined so far. In the one other case pending against him, he has been granted the concession of bail. Therefore, his further incarceration in the present case is also not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Shishpal @ Siti son of Dayanand is ordered to be released on bail subject to his 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. In addition, the petitioner (or anyone on his behalf) 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.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

07.11.2023

JITESH

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