

**213 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

**CRM No. M-12679 of 2015
Date of decision: April 30, 2015**

BALBIR @ SURAJMAL AND ANR

..... PETITIONERS

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.S. Duhan, Advocate
 for the petitioners.

 Mr. Vikramjit Singh, Addl. AG, Haryana.

Jaspal Singh, J.(Oral)

Instant petition has been preferred under Section 439 Cr.P.C. seeking bail to the petitioners in case FIR No. 218 dated 12.04.2014, under Sections 148, 149, 302, 452, 324, 323, 506, 307 and 326 IPC registered at Police Station Narnaund, District Hisar.

2. Allegations against the present petitioners are that Balbir @ Surajmal-petitioner No.1 while armed with lathi dealt its blow hitting on the person of Kulbir whereas Rajesh-petitioner No.2 dealt a lathi blow on the person of Santro. Both the injuries attributed to the petitioners are simple in nature and falls within the purview of Section 323 IPC. No injury has been attributed to either of petitioner having been caused to the deceased Pardeep. Petitioners were arrested in this case on April 13, 2014

subjected to custodial interrogation and weapon used by them i.e. lathies have already been recovered. Even report under Section 173(2) Cr.P.C. has already been submitted which is pending disposal before learned trial Court.

3. All these facts have not been disputed by learned State counsel.

4. Taking into consideration the fact that no injury was caused by either of petitioner to the deceased and further that injuries which were allegedly inflicted by them on the persons of Kulbir and Santro respectively, by the petitioners are simple in nature. They are also suffering incarceration for the last more than one year. Disposal of challan would take sufficient long time.

5. Taking into consideration, all these factors and without expressing any opinion on the merits of the case, instant petition is allowed and petitioners are ordered to be released on bail to the satisfaction of learned trial Court.

6. However, it is also made clear that any observation made by this Court shall have no binding effect on merits of the case and shall remain limited to the disposal of instant case.

7. In case of wilful default in appearance before learned trial Court during trial, trial Court shall be competent to cancel this bail order.

April 30, 2015
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(JASPAL SINGH)
JUDGE