

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

Criminal Misc.No.M-27495 of 2015

Date of Decision: September 02, 2015

Bhola @ Vinod

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Pardeep Goyal, Advocate,
for the petitioner.

Mr.Kuldeep Tiwari, Addl.AG, Haryana.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to Bhola @ Vinod, who has been booked for having committed the offences punishable under Sections 148, 302, 307, 323 and 324 read with Section 149, IPC, and Section 25 of the Arms Act, in a case arising out of FIR No.207, dated 30.06.2013, registered at Police Station, Sadar, Ballabgarh.

Learned counsel contends that even if the whole case of the prosecution is taken at its face value then also it will be a moot point with regard to applicability of Section 149, IPC; concededly, the petitioner had not caused any injury to Vijay (since deceased); as per prosecution version, the petitioner had caused an injury on the head of Vijender (PW2); the petitioner is in custody since 04.07.2013 i.e more than two years and trial

would still take sufficient long time to conclude.

Learned counsel for the State, on instructions from ASI Sunil Kumar, Police Station, Sadar, Ballabgarh, concedes that the petitioner had caused injury on the head of Vijender (PW2) and no injury has been assigned to the petitioner so far as Vijay (since deceased) is concerned. He further contends that the petitioner is behind the bars from 08.07.2013. He also concedes that out of 33 prosecution witnesses, 11 have been examined.

After hearing learned counsel for the parties and going through the material available on record, this Court is of the considered view that further incarceration of the petitioner is not of worth, therefore, the present petition is allowed.

Petitioner-Bhola @ Vinod, s/o Manohar, r/o village Lehdoli, District Faridabad, is directed to be released on bail during pendency of trial of the present case, subject to his furnishing bond in the sum of ₹1,00,000/- (Rupees one lac only) with two sureties in the like amount to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Faridabad.

September 02, 2015
seema

(Naresh Kumar Sanghi)
Judge

