

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-28499 of 2015
Date of Decision: 11.9.2015.

Banta

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. G.S.Sidhu, Advocate
for the petitioner.

Ms. Trishanjali, AAG, Haryana.

SABINA, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in FIR No. 255 dated 11.7.2014 under Section 302, 341, 148, 149 of the Indian Penal Code, 1860, registered at Police Station Sadar Sirsa, District Sirsa.

Prosecution story, in brief, is that on 10.7.2014, at about 8.15 P.M., petitioner along with other co-accused were standing on bus stand armed with *kapa*, *kasia* and *lathis*. In the meantime, Babbu along with his friends Satish Kumar and Vishnu came there on a motor cycle. Kala Ram stopped the motor cycle. Kala Ram and Binder gave *kapa* blows on the head of Babbu. Puran gave a *kasia* blow on the left arm of Babbu. Binder and Kuldeep, who were armed with *lathis*, gave blows to Babbu on his both legs. As a result of this, Babbu fell down. Rishi and Saabi, who were armed with *dandas*, also inflicted injuries on the person

of Babbu and they also gave injuries to Satish.

Learned counsel for the petitioner has submitted that it is a case of version and cross version. No specific injury was attributed to the petitioner on the person of the deceased or the injured. Petitioner is in custody since 18.7.2014.

Learned State counsel, on the other hand, has opposed the petition but has failed to controvert the factual aspect of the submissions made by the learned counsel for the petitioner.

Since in the present case, no specific injury is attributed to the petitioner on the person of the deceased or the injured and the fact that the petitioner is in custody since 18.7.2014, it would be just and expedient to order the release of the petitioner on bail.

Accordingly, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner be admitted to bail subject to the satisfaction of Chief Judicial Magistrate, Sirsa.

**(SABINA)
JUDGE**

September 11, 2015
Gurpreet