

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

238

Crl. Misc. No.M-30496 of 2015

Date of decision: September 14, 2015

Rohtas

....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Tejinder Pal Singh, Advocate for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.162 dated 23.02.2015 registered under Sections 148, 149, 323, 341, 506 IPC(Sections 302, 325 IPC added later on) at Police Station Chandani Bagh, District Panipat during the pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case whereas no injury has been caused to the deceased. Learned counsel also submits that during investigation, statements of all injured have been recorded by the Investigating Officer

under Section 161 Cr.P.C. As per statement of injured-Jeevan Ram, the petitioner is alleged to have caused lathi blow on his left arm whereas as per MLR, only complain of pain over left forearm is there and second injury is lacerated wound over occipital which has been attributed to co-accused, namely, Vicky. The injury attributed to the petitioner with lathi has not been proved from the medico-legal report of said Jeevan Ram. As per statement of other injured, namely, Rubina, no specific injury has been attributed to the petitioner as she has stated in her statement that the petitioner has given beatings with lathi. As per MLR of said Rubina, only two injuries have been mentioned by the Doctor, one is lacerated wound over occipital region and another is bruise over right forearm. Learned counsel also submits that there is no opinion of Doctor with regard to injuries of the abovesaid injured persons. On completion of investigation, the challan has been presented and charges have also been framed and statements of prosecution witnesses are to be recorded. The petitioner is in custody since 25.02.2015 and trial will take long time in final conclusion.

Learned State counsel has not disputed the custody period and also the fact that the petitioner has not caused any injury to the deceased but opposes bail of the petitioner being member of unlawful assembly.

In view of submissions made by learned counsel for the parties and keeping in view the fact that no injury has been caused to the deceased; the petitioner is alleged to have caused injuries to two injured but those injuries are also not found to be grievous in nature; the challan has been presented after conclusion of the investigation; the petitioner is in

custody since 25.02.2015; the trial may take long time in final conclusion and no purpose would be served by keeping him in custody, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

September 14, 2015
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(DAYA CHAUDHARY)
JUDGE