

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

Crl. Misc. No.M-33433 of 2015

Date of Decision: 05.10.2015

Habib

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. A.P.S. Deol, Sr. Advocate
with Mr. Arshdeep Singh, Advocate
for the petitioner.

Mr. Vikas Malik, D.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.152 dated 29.06.2014 registered under Sections 323, 506, 148, 149 IPC and Sections 307 and 325 IPC added later on at Police Station Ferozepur Jhirka.

Learned counsel for the petitioner submits that as per allegations in the FIR, *lathi blow* on head of Azim has been attributed to the present petitioner but the allegations are levelled against the petitioner as well as his co-accused Kamal and Rahis also. Co-accused Kamal has been released on regular bail by the lower Court on 10.10.2014 after custody of 40 days only and petitioner is at par with him. Nothing is to be

recovered from the petitioner as the investigation has been completed and the petitioner is in custody for the last more than 50 days.

Learned counsel for the respondent-State has not disputed the factum of releasing Kamal on regular bail but opposes grant of bail to the petitioner on the ground that he is the main accused.

A perusal of allegations in the FIR would show that two injuries are there on the head of injured Azim. Petitioner as well as Kamal are alleged to have caused injury on the head, which has been declared grievous. It is a disputed fact which can be decided during trial. Moreover, Kamal has already been released on regular bail on 10.10.2014. The petitioner is in custody for the last 50 days 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.

05.10.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE