

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.33844 of 2015 (O&M)

Date of decision:-19.11.2015

Vikas @ Vikki

.....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. Vikas Malik, DAG, 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.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 four family members have been implicated in the case including the petitioner but no injury has been attributed to him. During pendency of the investigation, statements of all the injured-witnesses were recorded by the Investigating Officer under Section 161 Cr.P.C. and as per their statements, only simple injuries have been caused but no injury has been caused to deceased Baru Ram. As per statement of injured Rubina, no specific injury has been attributed to the petitioner and simply it has been mentioned that petitioner has given beatings with fist and kick blows. As per MLR of injured Rubina only two injuries

have been mentioned by the Doctors i.e. one lacerated wound over occipital region and bruise over the right forearm. Learned counsel also submits that there is no opinion of the Doctor with regard to injuries on the above named injured persons. On completion of investigation, challan has been presented and charges have also been framed. Subsequently, an application was moved under Section 319 Cr.P.C, which has been dismissed. The case is fixed for recording of statement of witnesses but not even a single witness has been examined so far. Petitioner is in custody since 26.2.2015 and trial will take long time in final conclusion. Learned counsel also submits that on the same set of allegations, co-accused of the petitioner namely, Rohtas has been released on regular bail vide order dated 14.09.2015.

Learned counsel for the respondent-State has not disputed the custody period and also the fact that the petitioner has not caused any injuries to the injured but opposes grant of bail to the petitioner.

In view of the submission made by learned counsel for the parties and by considering that no injury has been caused to the deceased; the petitioner is alleged to have caused injuries to the injured but those injuries are found to be simple in nature; even a single witness has not been examined so far; the petitioner is in custody since 26.02.2015; the trial may take long time in final conclusion and no purpose would be served by keeping him in custody, the petition is allowed. The petitioner namely, Vikas @ Vikki is directed to be released on regular bail, on his furnishing bail/surety bonds to the satisfaction of the trial Court.

19.11.2015

PA

**(DAYA CHAUDHARY)
JUDGE**