

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 38603 of 2015
Date of decision:-26.11.2015

Pawan

.....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. Surender Saini, Advocate,
for the petitioner.

Mr. B.S Virk, 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 148,149,323,34,506 IPC (Sections 302 & 325 IPC added later on) at Police Station Chandni Bagh, Panipat.

Learned counsel for the petitioner submits that as per allegations in the FIR, two injuries i.e. one on the head and the second on both arms of the complainant have been attributed to present petitioner, whereas there is no injury on the head. As per MLR of the complainant Darshana, which was conducted on 22.02.2015, complainant received two injuries i.e. bruise of size (sic) cm over R forearm and another is swelling over L forearm. No role has been attributed to the petitioner with regard to any of the injuries suffered by the deceased. Learned counsel also submits that an application was moved under Section 319 Cr.P.C and the same has

been dismissed. Out of total 30 witnesses, none has been examined so far. The petitioner is in custody since 25.02.2015 and co accused of the petitioner namely, Rohtas has approached this Court by way of filing CRM-M-No.30496 of 2015 and he has been released on regular bail.

Learned State Counsel has not disputed the custody period and also the fact that the petitioner has not caused any injury to the deceased. It has also not been disputed that co-accused of the petitioner has been released on regular bail on 14.9.2015.

In view of submissions made by learned counsel for the petitioner and keeping in view the fact that no injury has been caused to the deceased by the petitioner and injuries caused to the injured are simple in nature; challan has also been presented and after framing of charges even a single witness has not been examined; the petitioner is in custody since 25.02.2015; the trial may take some time in final conclusion and no purpose would be served by keeping the petitioner in custody any further, the petition is allowed. The petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

26.11.2015

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(DAYA CHAUDHARY)
JUDGE