

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-39291 of 2015

.....

Date of decision:30.11.2015

Pala Ram

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Vivek Goyal, Advocate for the petitioner.

Mr. Himmat Singh, Assistant Advocate General, Haryana for
the respondent-State.

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Inderjit Singh, J.

The petitioner has preferred the instant petition under Section 439 Cr.P.C. seeking regular bail in case FIR No.256 dated 29.9.2011, registered at Police Station Ladwa, District Kurukshetra, under Sections 148, 323, 326, 302, 149 and 506 IPC.

Notice of motion to Advocate General, Haryana.

On the asking of the Court, Mr. Himmat Singh, learned State counsel appeared and contested the instant petition. Police record is also available.

I have heard learned counsel for the petitioner and learned State counsel and have gone through the record.

As per the FIR, the present petitioner is stated to be armed with

a 'Lathi' and he gave blow with the 'Lathi', whereas the co-accused has given the injury with 'Gandasi' on the head and another with iron rod.

The petitioner is in custody since 21.10.2011 i.e. for the last more than four years. It is brought to my notice that now a cross-complaint, which is at preliminary state, has been ordered to be clubbed and to be decided together with the trial of this case, which means that it will take a long time. No useful purpose will be served to keep the petitioner in custody till the disposal of the case. Otherwise also, the petitioner is in custody for more than four years now. He was simply armed with a 'Lathi' and 'Lathi' blow is attributed to him.

Therefore, keeping in view the facts and circumstances of the present case and without discussing the facts of the case in minute details and without expressing any opinion on the merit of the case, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of trial Court/Duty Magistrate.

November 30, 2015.

(Inderjit Singh)
Judge

hsp