

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 39776 of 2015
Date of decision:30.11.2015

Pawan Kumar

.....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. Amit Choudhary, 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.194 dated 05.05.2015 registered under Sections 148,149,323,325 and 307 IPC at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner submits that initially the FIR was registered under Sections 148,149,323 and 452 IPC but subsequently Section 325 IPC was added on 14.05.2015. The petitioner was arrested and released on bail on 21.05.2015 by the learned Illaqa Magistrate and later on Section 307 IPC was added on 27.06.2015 and again the petitioner was arrested on 01.07.2015. Learned counsel also submits that injury attributed to the petitioner is *lathi* blow on left arm of injured Shamsheer and because of this Section 325 IPC was added. The petitioner was released on bail but subsequently the injury was declared dangerous to life, which has

been attributed to Bintu and Section 307 IPC has been added. Co-accused Bintu is behind the bars. Challan has been presented on 23.09.2015 and charges have also been framed. The petitioner is in custody since 01.07.2015. No useful purpose would be served by keeping him behind the bars. Only 02 witnesses have been examined out of total 16 witnesses.

Learned State counsel has not disputed the custody period as well as the role attributed to the petitioner as well as the fact that injury under Section 307 has been attributed to co-accused Bintu.

Heard arguments of learned counsel for the petitioner and perused the allegations in the FIR.

In view of the submissions made by learned counsel for the petitioner; the fact that the petitioner was arrested and has been released on bail but subsequently on adding Section 307 IPC he has again been arrested but the said injury has been attributed to co-accused Bintu, who is behind the bars; only injury under Section 325 IPC has been attributed to the petitioner; out of total 16 witnesses only 02 witnesses have been examined so far; no useful purpose would be served by keeping the petitioner behind the bars, the present petition is allowed. Petitioner, namely, Pawan Kumar is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

30.11.2015

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**(DAYA CHAUDHARY)
JUDGE**