

CRM-M-11371-2016

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

CRM-M-11371-2016

Date of decision : 07.04.2016

Pardeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr.S.S.Momi, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

JASWANT SINGH, J.(ORAL)

Prayer in this petition under Section 439, Criminal Procedure Code, on behalf of accused/petitioner-Pardeep is for grant of regular bail in case FIR No.295 dated 28.08.2015, for offences punishable under Sections 323, 341, 506 IPC (Section 307 IPC added later on) registered at Police Station Hansi Sadar, District Hisar.

As per injured-complainant Rajesh, on the intervening night on 16/17.08.2015, the petitioner-accused is alleged to have inflicted Axe blows on the left side of head and left ear of the complainant.

The complainant was referred by the Civil Hospital to PGI, Rohtak where he remained admitted till 22.08.2015.

It is contended that the FIR has been lodged after 10 days of the occurrence and even 6 days after discharge from the hospital of the complainant, whereas the alleged eye-witness Raj Kumar was available for recording the first information.

It is next contended that the petitioner is in custody since 28.11.2015. After completion of the investigation, challan has been presented and charges have been framed on 17.03.2016. The evidence of 12 cited witnesses is yet to commence.

Learned State counsel, assisted by SI Krishan Kumar does not refute the factual aspect of the case.

Without commenting on the merits of the case, keeping in view the fact that trial is not likely to be concluded in near future, no useful purpose would be served by keeping the accused in custody any longer. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate / Duty Magistrate concerned.

(JASWANT SINGH)
JUDGE

April 07, 2016.
Davinder Kumar