

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No.15447 of 2016 (O&M)
Date of Decision: 18.05.2016**

Tarun Kumar and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Deepak Sharma, Advocate for the petitioners.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by A.S.I. Rajbir Singh.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the accused brothers, namely, Tarun Kumar and Jatinder Kumar Kalra in case FIR No.60 dated 04.03.2016, under Sections 307, 332, 353, 186, 34 of the Indian Penal Code (for short 'IPC'), registered with Police Station City Ambala, District Ambala.

There is a matrimonial dispute between the co-accused brother- Gulshan Kumar with his wife-Neeru and an FIR No.40 dated 04.03.2016 (**Annexure P-9**) stands registered at Police Station Ambala Sadar against the husband Gulshan Kumar.

The allegations in the present case are that when the said Gulshan Kumar along with his two brothers/petitioners were summoned by ASI Dharambir in the Police Station for investigation, three accused overpowered him and the co-accused Gulshan Kumar tried to strangulate him and thus inviting *inter alia* the offence under Section 307, IPC.

It is contended that apart from the merits of the case, both the petitioners/accused are in custody since 04.03.2016 and the investigations qua them are over. It is next submitted that as of now the injuries on ASI Dharambir have been opined to be simple in nature.

Learned State Counsel, assisted by ASI Rajbir Singh, does not dispute the custody period and the fact that three injuries on the person of ASI Dharambir have been opined to be simple in nature.

Without commenting on the merits of the case, keeping in view the custody period, role attributed and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 18, 2016
Gagan

(JASWANT SINGH)
JUDGE