

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

**CRM-M No.17639 of 2016 (O&M)
Date of Decision: 25.05.2016**

Chotu @ Brahamprakash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by ASI Jeet Ram.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Chotu @ Brahamprakash in case FIR No.204 dated 23.10.2015, under Sections 323, 506, 34 of the Indian Penal Code (Section 307, IPC added later on), registered with Police Station Hassanpur, District Palwal.

The complainant-Dharminder alleges that on 05.10.2015 at around 10:30 PM, he was waylaid by eight named accused including the petitioner, armed with *Iron Rods, Lathis* etc. He has received six injuries and the petitioner/accused is attributed a *Iron Rod* blow on the stomach of the complainant, which as per the prosecution, has attracted the offence under Section 307, IPC.

It is contended that six out of the named accused have since been declared innocent by the police, three accused attributed four injuries including one on the head. Sixth injury attributed to co-accused Lala @ Rambir, who is in custody.

It is next submitted that as per the opinion of the doctor based on documents, the injury on the stomach is opined to be dangerous to life, whereas as per the document (**Annexure P-2**), based on the examination soon after the injury, there was no internal bleeding or injury found on the abdomen of the injured/complainant-Dharminder.

The petitioner is stated to be in custody since 12.11.2015 and the case is at the initial stage of recording of evidence of 17 cited prosecution witnesses.

Learned State Counsel, assisted by ASI Jeet Ram, does not dispute the factual situation.

Without commenting on the merits of the case, keeping in view the role attributed to the petitioner, custody period and the fact that trial is not likely to be concluded in near future, 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 25, 2016
Gagan

(JASWANT SINGH)
JUDGE