

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

CRM-M No. 22605 of 2015 (O&M)

Date of Decision: 18.02.2016

Krishan Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ram Avtar Sheoran, Advocate
for the petitioner.

Mr. Satish Saini, DAG, Haryana
for the respondent/State.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure is for grant of regular bail on behalf of the accused-petitioner in case FIR No. 27, dated 25.01.2015, for offences punishable under Sections 147, 149, 323, 452, 506 of the Indian Penal Code (316 of the Indian Penal Code added later on), registered at Police Station Tosham, District Bhiwani.

Complainant party and the accused party are close relatives and the dispute is regarding ownership and construction on a plot. When the complainant party tried to construct at the plot, the accused party is stated to have restrained them, leading to a free for all fight.

Allegations against the accused-petitioner are of inflicting the fist blows and kicks to the complainant-Maya Devi. On intervention of the pregnant daughter-in-law to save the complainant, injuries are alleged to have been inflicted on her stomach, leading to miscarriage and offence under Section 316 of the Indian Penal Code was made out.

It is contended that all other co-accused/non-applicants against whom challan has been presented, have since been released on regular bail.

The petitioner is stated to be in custody since 14.02.2015 and the case is at the initial stage of prosecution evidence.

Learned State Counsel does not refute the aforesaid factual position.

Without commenting on the merits of the case, keeping in view the facts noticed above; parity of treatment and custody period of the petitioner, no useful purpose would be served by keeping the petitioner/accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate, Bhiwani.

February 18, 2016

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(JASWANT SINGH)
JUDGE