

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

Sr. No.219

**CRM-M No.34550 of 2016
Date of decision: 22.12.2016**

Rampal @ Ramu

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Nonish Kumar, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Rahul Rathore, Advocate
for the complainant.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C., for the grant of regular bail during pendency of the trial in FIR No.354 dated 07.06.2016, under Sections 324/34/506/307 IPC and 25/54/59 of Arms Act, registered at Police Station Assandh, District Karnal.

Learned counsel for the petitioner states that as per the FIR, the injured Baldev Singh was caught hold of by the petitioner and inflicted sword blow by the petitioner's brother-Sandeep @ Sonu. He submits that on investigation this fact was found to be incorrect as Sandeep @ Sonu was not found present at the spot. He further submits that the petitioner has been in custody for the last six months. The trial is likely to take long time and that the petitioner is no longer needed

by the prosecution.

Learned State counsel as also counsel for the complainant have opposed the grant of bail on the ground that after examination-in-chief of the victim-Baldev Singh, an application was moved by the prosecution under Section 319 Cr.P.C. to summon Sandeep @ Sonu and orders on that application are to be pronounced on 09.01.2017. An apprehension is further expressed by counsel for the complainant with regard to threat from the petitioner.

Considering the entire gamut of the above facts but without commenting on the merits of the matter, I deem it proper to enlarge the petitioner on regular bail to the satisfaction of the trial Court. The pendency of the application under Section 319 Cr.P.C. would not debar the grant of regular bail and the apprehension expressed by the learned counsel for the complainant, at this stage, is not based on any evidence. Even otherwise, in case, the petitioner violates any terms of the bail as enshrined under Section 439 Cr.P.C., it is always open to the complainant/prosecution to apply for cancellation of his bail.

In view of the above, the petition is allowed and the petitioner is ordered to be enlarged on regular bail pending trial subject to the satisfaction of the trial Court.

(DEEPAK SIBAL)
JUDGE

December 22, 2016

Jyoti 1

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No