

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

CRM-M-35045-2016 (O&M)
Date of decision : 16.11.2016

Surender @ Shailender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Gulab Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.197 dated 31.05.2016, registered under Sections 307, 323, 325, 506 and 148 read with Section 149 of the Indian Penal Code, and Sections 25 and 27 of the Arms Act, at P.S. Bhuna, Distt. Fatehabad.

Contents that only simple injuries have been attributed to the petitioner. The injuries attracting Section 307 IPC are attributed to co-accused Praveen and Sachin @ Toni. The petitioner is 65 years of age. He is in custody since 09.09.2016. Co-accused Sumit @ Dara, has already been admitted to bail. The petitioner is not involved in any other case.

On the other hand, learned State counsel has opposed the instant petition. On instructions, learned State counsel submits that the petitioner is specifically named in the FIR and has inflicted *lathi* blows on the right shoulder and knee of the complainant and on the head of Subhash. He further informs that the charges have been framed and out of 17

prosecution witnesses, none has been examined so far.

Heard.

Keeping in view the fact that the injuries attributed to the petitioner are simple in nature, the similarly placed co-accused has been enlarged on bail, the petitioner is not involved in any other FIR, he is behind the bars since 09.09.2016 and none out of 17 prosecution witnesses has been examined so far, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.11.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No