

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

CRM-M No. 3654 of 2016 (O&M)

Date of Decision: 30.03.2016

Somnath alias Somi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Anil Kumar.

Mr. Dishant D. Tuteja, Advocate
for the complainant.

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 accused/petitioner-Somnath alias Somi in case FIR No. 553, dated 23.09.2015, for offences punishable under Sections 323, 506 of the Indian Penal Code (Sections 387, 34, IPC added during challan), registered at Police Station City Rohtak.

As per allegations levelled by Dinesh Kumar (complainant), the present accused/petitioner-Somnath alias Somi accompanied by his co-accused brother (Sunny) and two other unknown persons accosted him and inflicted a *Darat* blow on his head, while others inflicted kick blows on the complainant for not paying heed to a extortion demand of Rs. 2 lacs made two months earlier. Accused party is also alleged to have threatened to kill the complainant.

It is submitted that except the statement of demand of an extortion money made two months earlier, there is nothing on record to

substantiate the said plea. That apart, it is submitted that the petitioner is in custody since 04.10.2015 and after completion of the investigation qua him, challan has been presented. He further submits that the evidence of twelve cited prosecution witnesses is yet to commence.

Learned State Counsel, assisted by ASI Anil Kumar does not refute the aforesaid factual position, however, submits that the petitioner and his co-accused brother stand convicted for an offence under Section 302, IPC and are on bail on account of suspension of their sentence.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner; investigation qua the petitioner are over, 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 concerned.

March 30, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**