

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

CRM-M No.4372 of 2016

Date of Decision:-18.02.2016

Arun Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Lekh Raj Sharma, Advocate for the Petitioner.

Mr. Kuldip Tiwari, Additional Advocate General, Haryana
assisted by SI Jagbir Singh.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Arun Kumar in case FIR No.139 dated 2.5.2015 for offences punishable under Sections 452, 323, 302, 506 read with Section 34 of Indian Penal Code registered with Police Station Hathin, District Palwal.

The allegations against the petitioner are that he had accompanied five other co-accused while trespassing into the house of the complainant Deep Chand at night, on account of previous dispute between his son-Dharminder and co-accused Ashok Master and are alleged to have inflicted injuries which resulted into the death of Dharminder. The role attributed to the petitioner is of inflicted a *lathee* blow on the left foot of the

deceased Dharminder.

It is contended that a false case has been foisted upon the petitioner on account of being a family member of the main accused Ashok Master. Investigating Officer after thorough investigation had found the petitioner innocent and put him in column no.2. Due to the influence of the complainant, who is a retired Sub Inspector, further investigation without seeking permission of the court were undertaken and the petitioner was arrested. Although at this stage an application under Section 193 Cr.PC filed by the complainant stood declined and an application under Section 319 Cr.PC for summoning the petitioner as additional accused was pending.

It is further submitted that the petitioner voluntarily took Polygraph test conducted and as per the report Annexure P-5 nothing incriminating has been found against the present petitioner. Petitioner is stated to be in custody since 3.12.2015.

Learned State Counsel assisted by SI Jagbir Singh does not refute the aforesaid factual contention.

Without going into the merits of the case, keeping in view the custody period and the fact that the trial is not likely to be concluded in near future, present petition is allowed and the petitioner Arun Kumar is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Palwal.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

February 18, 2016
Vinay