

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

**CRM-M No. 7104 of 2016 (O&M)
Date of Decision: 20.05.2016**

Liyakat

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Kuldip Tiwari, Additional Advocate General, Haryana
for the respondent/State assisted by ASI Mehmood Khan.

Mr. Jamshed Ahmed, Advocate
for the complainant.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C. filed on behalf of the petitioner-accused-Liyakat is for grant of regular bail in case FIR No. 545, dated 13.08.2015, for offences punishable under Sections 323, 341, 307, 34 of the Indian Penal Code, registered at Police Station Nuh, District Mewat.

Reply on behalf of the respondent-State by way of affidavit of Shri Deepak Gahlawat, Superintendent of Police Mewat has been filed in Court today, which is taken on record.

There is an old enmity between the two families. In the occurrence on 11.08.2015 at around 12.30 p.m., complainant-Mohd. Tofiq has alleged that thirteen accused persons had launched an attack armed with *pharsa, lathi and danda* upon him and four other injured persons.

The role attributed to petitioner-accused (Liyakat) is of inflicting a *pharsa* blow to injured-Arshad on his head and to Smt. Rihana on her chest and the injury upon Arshad has attracted the offence under Section 307 of the Indian Penal Code.

It is contended that the petitioner is in custody since 09.10.2015; other co-accused person has been granted bail by this Court and the evidence of thirteen cited prosecution witnesses is yet to commence.

Learned counsel for the complainant opposes the grant of bail to the petitioner.

Learned State Counsel, assisted by ASI Mehmood Khan, is unable to refute the aforesaid factual contentions; custody period of the petitioner as also grant of bail to other co-accused person. He further states that on investigation, seven of named accused persons were found innocent and only six accused persons have been challaned.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner; parity of treatment and stage of trial, no useful purpose would be served by keeping the petitioner-accused in custody since the trial is not likely to conclude 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.

May 20, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE