

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

**CRM-M No.9896 of 2016 (O&M)
Date of Decision: 29.04.2016**

Ishwar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sandeep Panwar, Advocate for the petitioner.

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

JASWANT SINGH, J. (Oral)

Present 2nd petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Ishwar in case FIR No.49 dated 04.04.2015, under Sections 148, 149, 323, 324 of the Indian Penal Code (Section 307, IPC added later on), registered with Police Station Cheeka, District Kaithal.

On 04.04.2015 at around 07:30 AM, an altercation is alleged to have occurred in the neighbourhood, wherein the petitioner along with 14 other co-accused, allegedly armed with *Lathis* and *Gandasis*, have launched an attack on the complainant party. Six persons including the complainant are alleged to have suffered injuries.

The petitioner is attributed a *Gandasi* blow on the head of the injured-Rajesh, which has attracted the offence under Section 307, IPC.

It is contended that out of 15 named accused, 06 were found innocent by the police. Out of 09 accused challaned, rest of 08 have since been granted regular bail by learned trial Court.

It is next contended that the petitioner is in custody since 24.06.2015 and after framing of the charges on 02.09.2015, till now inspite of availing 14 opportunities, none of 22 cited prosecution witnesses have been examined.

Learned State Counsel, assisted by ASI Ram Niwas, is unable to refute the aforesaid factual situation.

Without commenting on the merits of the case, keeping in view the custody period and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

April 29, 2016

Gagan

**(JASWANT SINGH)
JUDGE**