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

**CRM No.26554 of 2017 in/and
CRM No.M-1233 of 2017 (O&M)
Date of Decision: September 29, 2017**

Rajat Kumar

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Subhash Godara and Mr.Anirudh Singh Shera, Advocates
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

CRM No.26554 of 2017

The application is allowed, subject to all just exceptions.

Amended Memo of Parties is taken on record.

CRM No.M-1233 of 2017

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.740 dated 20.07.2016 under Sections 302, 324 and 34 IPC (Sections 323, 148, 149 IPC and Section 24 of the Arms Act added later on), registered at Police Station City Karnal, District Karnal.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as

learned State counsel and have gone through the record.

The perusal of the FIR shows that it was got registered on the statement of Ajay complainant, who stated that Anmol @ Jony was carrying an iron rod and gave forceful blow behind the neck of Vijay. Then supplementary statement of complainant is stated to have been recorded on the next date of the occurrence, where he substituted the accused who have been mentioned in the FIR and stated that Rajat was armed with iron rod and gave blow on the neck of Vijay.

Learned counsel for the petitioner contended that there are two persons of same name i.e. Rajat and the iron rod was recovered from Rajat @ Shetty. Learned State counsel admitted that as per the post mortem examination report, there is no injury on the neck of the deceased Vijay and there is only one injury and that is with the knife.

The petitioner has been in custody since 31.07.2016. The petitioner is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

September 29, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No