

CRM-M-18329-2017

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

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Date of Decision: 14.07.2017

Kamal Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

INDERJIT SINGH, J.

Petitioner-Kamal Kumar has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.3 dated 15.01.2016, registered at Police Station Khizrabad, District Yamuna Nagar, under Sections 302, 323, 341, 506 and 34 of the Indian Penal Code.

Notice of motion has been issued.

Learned State counsel has put in appearance on behalf of the respondent-State and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

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From the record, I find that as per the FIR, three boys came on a motor-cycle Hero-Honda Splendor and brought their motor-cycle on the side of motor-cycle of complainant and the boy sitting at last on that motor-cycle struck the complainant with lathi and the boy who was sitting in between struck on Pardeep with axe and stopped the complainant's motor-cycle by bringing their motor-cycle in front of complainant. The boy who had an axe, gave a direct axe blow on the head of Parvesh and the boy who was sitting at last on the motor-cycle who had a lathi with him, hit the same on the head of Parvesh.

Learned counsel for the petitioner stated that the petitioner is the fourth boy, who has not been mentioned in the FIR and furthermore, two of the co-accused, who were on the motor-cycle, have been granted bail by this Court vide orders dated 02.05.2017 and 26.05.2017 passed in CRM-M-14343-2017 and CRM-M-17817-2017. He also argued that on the ground of party, the petitioner is also entitled to the regular bail.

On the other hand, learned State counsel submitted that trial is already complete and the case is fixed for recording the statement under Section 313 Cr.P.C.

The petitioner has been in custody since 19.01.2016. He 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 the final

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disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail; without expressing any opinion on the merits of the case; in view of the fact that the petitioner is not mentioned in the FIR and on the ground of parity also, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

14.07.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No