

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

**Criminal Misc. No.M-28995 of 2017(O&M)
Date of Decision: November 24, 2017.**

Sunil Kumar

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Karan Singh, Advocate
for the petitioner.

Mr.Anmol Malik, AAG, Haryana.

Mr. H.S.Sandhu, Advocate
for the complainant.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No 63 dated 26.03.2017, under Sections 148, 149, 323, 452, 506, 354-B, 307 IPC, registered at Police Station Mullana, District Ambala.

It is submitted that the complainant's daughter received injury on her head due to which Section 307 IPC has been added. However, the petitioner is not attributed with any overt act or causing any injury to the complainant's daughter, which attracts the rigours of Section 307 IPC. This injury on her head is attributed to one Mehama Singh, who is in custody. It is submitted that the complainant's daughter received no other injury apart from the said injury on the

head. She was duly discharged from the hospital on 11.04.2017. The petitioner, it is submitted has been in custody since 26.03.2017 and is not involved in any other case. Therefore, this petition be allowed.

Case summary in respect to the injured girl i.e. daughter of the complainant, produced in Court today, is taken on record subject to just exceptions. It is specifically mentioned therein that there is a doubtful history of loss of consciousness during assault. There is no history of unconsciousness at the time of admission or of ENT bleed or vomiting. During hospitalization patient was fully conscious, oriented to time, place and person.

Learned counsel for the State, on instructions from SI Rameshwar Chand verifies that the petitioner is not involved in any other criminal case. Final report under Section 173 Cr.P.C., has been presented. Charge against the petitioner has been framed. No recovery is to be effected from him. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Sunil Kumar, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall

be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

It is made clear that the petitioner shall not attempt to contact the victim or any of her family members directly or indirectly. Any infraction in this regard may entail cancellation of his bail.

24.11.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.