

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

**CRM-M No.30222 of 2017
Date of Decision : 31.08.2017**

Sunil Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. S.S. Sahu, Advocate
for the petitioner.

Mr. D.R. Singla, Deputy Advocate General, Haryana
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.284 dated 9th May, 2017, registered under Sections 323, 324, 34 of the Indian Penal Code, (for short, 'the IPC') at Police Station Ratia, District Fatehabad.

Background of the matter is that the petitioner was originally granted bail on 18th May, 2017, since at that time the FIR was registered only under Sections 323, 324/34 of the IPC. Subsequently, on application of the Investigating Officer on 5th of June, 2017, Section 307 of the IPC was added and the petitioner was re-arrested on 9th June, 2017.

His application for bail filed along with co-accused also named Sunil Kumar son of Jagpal Singh was disposed off by the Ld. Additional Sessions Judge, Fatehabad vide Order dated 17th July, 2017 (Annexure P-3)

The co-accused was granted bail, which was however, denied to the present petitioner. MLRs of the victims which were called for by this Court on the last date, have been shown to the Court. Perusal of the same goes to show that the victims Neki Ram and Ganga Ram did suffer injuries by sharp cutting weapons on their backs, but the nature of the injuries would not appear to fulfill the definition of “grievous” within the meaning of Section 320 of the IPC. It is further submitted on behalf of the State that the investigation is complete and challan submitted against the accused. However, framing of charges is held up for want of the FSL Report which is still awaited.

In such circumstances and considering the long detention undergone by the petitioner, he may be released on bail to the satisfaction of the Ld. Trial Court/Area Magistrate concerned.

August 31, 2017
Dpr

(SUDIP AHLUWALIA)
JUDGE

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