

CRM-M-31936 of 2017

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

CRM-M-31936 of 2017
Date of Decision: 24.10.2017

Raju @ Raj Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. S.S. Lamba, Advocate, for
Mr. K.K. Saini, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 439 Cr.P.C. has been made for grant of regular bail to petitioner Raju @ Raj Kumar in a case arising from FIR No.73 dated 07.03.2017 under Sections 307, 323, 427, 447 and 506 read with Section 34 IPC registered at Police Station Tosham, District Bhiwani.

Allegation against the petitioner is that on his instigation, co-accused Shiv Ram with an intention to eliminate the brother of the complainant ran over his tractor upon him.

Learned counsel for the petitioner contends that the petitioner is in custody since 02.04.2017. The prosecution has moved an application under Section 319 Cr.P.C. for summoning some additional accused in August, 2017, which has not yet been decided and adjourned to 22.11.2017 for arguments. No useful purpose would be served by detaining the petitioner in jail till the application under Section 319 Cr.P.C. is decided

and thereafter if the same is allowed, for the period which may be consumed

CRM-M-31936 of 2017

in summoning the additional accused. The petitioner may be enlarged on regular bail, because he is in incarceration due to lapse on the part of the prosecution in delaying the proceedings. Complainant party is also facing trial in cross-version for this very occurrence. It is yet to be decided as to who is the aggressor.

On the other hand, learned State counsel vehemently opposed the prayer for grant of regular bail.

Considering over-all facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on bail, on his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

October 24, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No