

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

CRM-M No.41552 of 2017

Date of decision: 15th November, 2017

Kapil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Neeraj Yadav, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Kapil in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.198 dated 04.03.2017 registered at Police Station Sector 10, Gurugram under Sections 307, 325, 506, 120-B IPC, are that on 02.03.2017 victim Dharambir was attacked by three boys who have been subsequently identified to be non-applicants Sandeep, Hitesh and Sandy, and who have assaulted the complainant by blunt weapons causing injuries on his leg and it is alleged that the petitioner is the co-conspirator and have incited the boys to attack the victim.

Contentions of the learned counsel for the petitioner are that the petitioner is behind bars since 19.08.2017 and that only simple injuries have been inflicted on non-vital parts of the body of the victim.

Learned State counsel on instructions from HC Ram Chander from Police Station Sector 10, Gurugram has fairly conceded at the bar that only simple injuries are there on the person of the victim by means of blunt weapons on the non-vital parts of his body, and thus, a debatable issue arises as to the applicability of Section 307 IPC, which is subject matter of judicial adjudication.

Appreciating the submissions, keeping in view the period of incarceration and the fact that the trial will take a long time to conclude, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Gurugram.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 15, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No