

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

CRM -M-427 of 2017 (O&M)

Date of decision: 28.02.2017

Parveen

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 84 dated 25.03.2016, registered under Sections 304, 323 read with Section 34 of IPC, at Police Station Bhuna, District Fatehabad.

It is contended that the entire community of the village was celebrating holi including the petitioner and the deceased. The minor verbal altercation led to the incident in question wherein petitioner allegedly caused injury over the private parts of the deceased leading to death. However, the injury is not reflected in the post mortem report. He further states no case under Section 302 IPC is made out as the petitioner neither had intention nor knowledge of the consequences of the injury caused by him. The petitioner is in custody since 25.03.2016.

On the other hand, learned State counsel opposes the bail

application and states that there are specific allegations against the petitioner, however, on instructions he states that there is no history of previous enmity between the parties.

I have heard learned counsel for the parties and perused the record.

Considering the fact that the petitioner is in custody since 25.03.2016; the challan stands presented; charges have been framed; out of total 17 PWs, none has been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

28.02.2017

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(JITENDRA CHAUHAN)
JUDGE

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