

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

Criminal Misc. No.M- 44288 of 2017(O&M)

Date of Decision: November 29 , 2017.

Anil Kumar PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mohit Rathee, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

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

It is submitted that the petitioner has been falsely implicated in this case. Learned counsel for the petitioner submits that the complainant's daughter received an injury on her head due to which Section 307 IPC was added in the FIR. The petitioner is not attributed with any overt act or causing of any injury to the complainant's daughter which attracts the rigours of Section 307 IPC. The

said injury is attributed to one Mehama Singh, who is in custody. It is further submitted that the complainant's daughter did not receive any injury apart from the said head injury. She was discharged from hospital on 11.04.2017. The petitioner, it is submitted, is not involved in any other criminal case and a similarly situated co-accused Sunil Kumar has been afforded the concession of bail pending trial on 24.11.2017 in CRM No.M-28995 of 2017. Therefore, it is prayed that this petition be allowed.

Heard learned counsel for the parties.

A perusal of order dated 24.11.2017 in CRM No.M-28995 of 2017 reveals that case summary in respect to the daughter of the complainant was produced in the said proceedings. It is 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 the patient was fully conscious, oriented to time, place and person.

Learned counsel for the State, on instructions from SI Rameshwar Nand, verifies that the present petitioner is not involved in any other criminal case. It is not denied that the petitioner is similarly situated as the co-accused Sunil Kumar. Final report under Section 173 Cr.P.C. has since been presented. The co-accused Mehama Singh is in custody.

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 before 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 Anil 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.

November 29 , 2017.
'om'

(**LISA GILL**)
JUDGE

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