

CRM-M-46535-2016 (O&M)

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

CRM No.M-46535-2016 (O&M)

Date of decision: 13.01.2017

Sushil Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Devinder Singh, Advocate
for the petitioner (s).

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Upkar Singh.

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 case FIR No.226 dated 17.04.2016, registered under Sections 147, 148, 342, 302, 201 and 506 of the Indian Penal Code (for short 'the IPC') read with Section 149 IPC, at Police Station Sadar Bhiwani, Distt. Bhiwani.

It is contended that though the petitioner is named in the FIR however, no specific injury is attributed to him. Main accused, Pawan who as per the FIR gave *danda* blow on the head of the deceased, has been declared innocent. No recovery has been effected from the petitioner. The petitioner is in custody since 14.06.2016.

The learned State counsel has not been able to controvert the

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factual position raised by learned counsel for the petitioner. On instruction, he states that charges have been framed and out of 32 prosecution witnesses, none has been examined so far.

Heard.

Considering the facts that no specific injury is attributed to the petitioner; no recovery has been effected from him; he is in custody since 14.06.2016; charges have been framed; and out of 32 prosecution witnesses, none has been examined so far, trial is likely to take a long time, therefore, no purpose would be served in keeping the petitioner behind the bars, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the 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.

13.01.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No