

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

Criminal Misc. No.M- 46701 of 2017(O&M)

Date of Decision: December 15 , 2017.

Ajay PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Anmol Malik, 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.

This is the petitioner's second application for bail. His earlier application was dismissed as withdrawn on 20.09.2017 with liberty to file afresh as certain errors had crept therein.

It is submitted that 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. Learned counsel for the petitioner further submits that the complainant's daughter received an injury on her head due to which Section 307 IPC was added in the FIR. The said injury is attributed to one Mehama Singh, who is in custody. No injury, apart from the said head injury, had been suffered by the complainant's daughter. She was discharged from hospital on 11.04.2017. Similarly situated co-accused Sunil Kumar, it is submitted, has been afforded the concession of bail pending trial on 24.11.2017 in CRM No.M-28995 of 2017 (Annexure P3). Learned counsel for the petitioner submits that reference has been made to the case summary in respect to the injured victim in the aforementioned order dated 24.11.2017, wherein it is noted that as per the case summary of the victim 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. It is submitted that the petitioner is not involved in any other criminal case and has been in custody since 26.03.2017. It is thus prayed that this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Naresh Kumar, verifies that the present petitioner is not involved in any other criminal case. Charge against the petitioner, after presentation of final report under Section 173 Cr.P.C. has been framed. It is not denied that the petitioner is similarly situated as the co-accused Sunil Kumar. The co-accused Mehama Singh is in custody.

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.

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.

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 Ajay 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.

December 15 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No