

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

CRM No.M-5156 of 2017 (O&M)

Date of Decision: April 21, 2017

Arun Kumar

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Aditya Verma, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Vishal Dhawan, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.42 dated 24.03.2016 under Sections 148, 323, 452, 506, 307 read with Section 149 IPC, registered at Police Station Saha, District Ambala.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

Learned counsel for the petitioner argued that petitioner is not required for investigation or custodial interrogation. He is only to face trial.

He further argued that earlier the petitioner was found innocent.

Learned counsel for the complainant argued that the petitioner

has given injury on the head with *gandasi* and named in the FIR and has wrongly been declared innocent by the investigating agency. The petitioner now has been summoned under Section 319 Cr.P.C.

After hearing learned counsel for the parties as well as learned State counsel and after going through the record, I find that petitioner has already appeared before the trial Court and has already been released on interim bail in pursuance of the order dated 16.02.2017 passed by this Court. The petitioner is named in the FIR. He is stated to be armed with *gandasi* and injury on the head is attributed to him but as per MLR, the injury is stated to have been caused with blunt weapon.

The petitioner is only to face trial. The trial of the case will take long time. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where the petitioner is entitled to benefit of grant of anticipatory bail. Therefore, the present petition is accepted and the order dated 16.02.2016 granting interim bail to the petitioner is made absolute.

April 21, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No