

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

**CRM-M-No.16879 of 2018(O&M)**

**Date of Decision:30.04.2018**

**Deepanshu**

.....PETITIONER

Vs.

**State of Haryana**

.....RESPONDENT

**CORAM: HON'BLE MR. AUGUSTINE GEORGE MASIH**

**Present:** Mr.Ashit Malik, Advocate for the petitioner.

Mr.Karan Sharma, AAG, Haryana.

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**AUGUSTINE GEORGE MASIH, J.(Oral)**

Prayer in this petition is for grant of regular bail under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.16 dated 13.01.2018 registered at Police Station Rai, District Sonapat under Sections 323, 324, 326, 452, 506 and 307 read with Section 34 of Indian Penal Code.

It is the contention of the learned counsel for the petitioner that although in the FIR, the petitioner is alleged to have been armed with a knife and was giving beatings to two boys and it is on the intervention of the complainant that he was also attacked as also his son.

He contends that in the challan which has been presented, the investigating agency found the petitioner to be not armed with any of the weapon, nor any recovery has been effected from the petitioner. What is alleged is that the petitioner had given certain fist and kick blows to the complainant. His submission is that the petitioner is in custody since 08.02.2018 and the trial is not likely to conclude in near future. The co-accused of the petitioner, namely, Sumit has also been granted regular bail by this Court in CRM-M-10422 of 2018 titled as "Sumit Vs. State of Haryana" decided on 16.03.2018. His contention is

that out of 20 witnesses, none has been examined.

Learned counsel for the State would not dispute the assertion of the custody of the petitioner on instructions from ASI Ramesh Kumar, Police Station Rai, Sonapat. He however states that the petitioner is involved in the commission of the offence and gave fist and kick blows to the complainant.

Having considered the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner have been found to be unarmed although alleged to have given fist and kick blows to the complainant, but he being in custody since 08.02.2018 with the trial is not likely to conclude in near future and the co-accused, who was similarly placed as the petitioner, has been granted the concession of bail by this Court referred to above, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Duty Magistrate.

Any observations made hereinabove shall have no bearing on the merits of the case during the trial.

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

30.04.2018  
Anjal

**Whether speaking/reasoned?      Yes/No**

**Whether reportable?                Yes/No**