

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

CRM-M-1905 of 2018

Date of Decision: 23.01.2018

Tarif @ Arif

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

Mr. Vishwajeet, Advocate has filed his power of attorney
on behalf of complainant. The same is taken on record.

The present petition has been filed under Section 439 of the
Code of Criminal Procedure for grant of regular bail to the petitioner in
case FIR No.69 dated 12.07.2017 registered under Section 304 of the
Indian Penal Code Police Station Buria, District Yamuna Nagar.

It is contented that the petitioner is in custody since
17.07.2017 and report under Section 173 Cr.P.C. has already been
submitted and charges have also been framed in this case. It is further
contented that although initially the FIR was registered under Section 302
IPC, but later on after investigation the same was deleted and it was
substituted by Section 304 IPC.

On the other hand, learned State counsel has opposed the
contention by argued that charges have been framed under Section 302 IPC
and therefore, the substitution of Section 304 IPC by the Investigating
Officer will be of no relevance.

Heard learned counsel for the parties and perused the paper book.

In view of the fact that the petitioner is in custody since 17.07.2017 and charges have also been framed. There are total 15 prosecution witnesses and prosecution evidence is yet to start and trial will take long time to be concluded. Whether the alleged offence is under Section 302 or 304 or 304-A that is a debatable issue in this case and the same will be decided after final conclusion of trial by learned trial Court. Hence, no useful purpose would be served by keeping the petitioner behind the bars any more. Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Tarif @ Arif be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

January 23, 2018
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no