

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

214

CRM-M No.22331 of 2018

Date of Decision: May 30th, 2018

Richhpal @ Pala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amit Goyal, Advocate
for the petitioner.

Mr. Kuldeep Sharma, Deputy Advocate General, Haryana.

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.195 dated 18.07.2017 registered under Sections 323, 324, 325, 326, 148, 149, 506 of the Indian Penal Code and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Rania, District Sirsa.

It is the contention of learned counsel for the petitioner that the petitioner was arrested on 25.09.2017 and has been attributed *kapa* blow on the head of Raj Kapoor as well as on the hand of Tarlok, brother of the complainant. Counsel contends that the petitioner is in custody for the last more than nine months, with the trial not likely to conclude in near future as out of 25 witnesses, only one witness has been examined-in-chief. He further states that all the other co-accused have been granted the benefit of bail by this Court and the trial Court. He, therefore, prays that the petitioner be granted the benefit of regular bail.

Counsel for the State could not dispute these assertions as have been made by the counsel for the petitioner, on instructions from

ASI Subhash Chander, Police Station Rania, District Sirsa. However, he states that the injury on the head of Raj Kapoor has been found to be grievous and, therefore, the petitioner be not granted the benefit of bail.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is in custody for the last more than nine months, with only one witness having been examined and that too in examination-in-chief, the trial not likely to conclude in near future, the present petition is allowed.

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

May 30th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No