

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

**CRM-M No.38487 of 2018
Decided on: 07.09.2018**

Vishnu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Dr. Anand Kumar Bishnoi, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.564 dated 15.06.2018, for offence punishable under Sections 323, 325, 307, 427, 506 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Sadar Hisar, District Hisar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, on 07.06.2018, Balwant, Anil, Vishnu – the present petitioner, Jagdish and Akwan Bishnoi had gone to the fields of the complainant and the petitioner had pushed the complainant from the tractor and thereafter, co-accused Anil gave an iron rod blow on his head. Thereafter, the complainant ran away and narrated the said incident to his father – Shiv Kumar and when his father, mother and wife reached at the spot, the co-accused Balwant Singh gave a gandasi

blow on the head of the father of the complainant and other accused persons allegedly caused injuries to all of them. It is further argued that the FIR was registered subsequently after a delay of 07 days and the petitioner is attributed only a push to the complainant in the first instance. It is also submitted that the petitioner is not involved in any other case and he is in custody for the last about 02 months and 12 days. It is further submitted that the investigation is complete and challan stands presented.

Counsel for the State, on the basis of the Custody Certificate dated 06.09.2018, filed in the Court today, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is not the main accused; he is in judicial custody for the last 02 months and 12 days; he is not involved in any other case and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

07.09.2018
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No