

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47976-2018
Date of Decision: 02.11.2018

Anil

...Petitioner

vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Robin Lohan, Advocate,
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 253 dated 25.03.2018.

Counsel for the petitioner submits that initially the FIR was registered under Sections 323/342/506/34 IPC and Section 307 IPC was added later on.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, registered at the instance of Radhey Sham, on 25.03.2018, he along with his son was sitting in his shop and two boys down alighted from Auto Riksha and threw their moped scooter. When the son of the complainant, namely, Davender tried to stop them, one boy gave iron rod blow on his forehead and another boy caught hold of him. When the complainant tried to rescue his son, the boy who was having iron rod in his hand, hit the same to the complainant and the second boy pelted stone at Davender. Even the driver of the three wheeler also caused injury to him. When public gathered there, all the boys fled away from the Auto Riksha

but one of the boys was apprehended, who disclosed his name as Krishan and on his disclosure, the petitioner was arrested.

Counsel further submits that the petitioner is in judicial custody since 09.04.2018 and charges have been framed, however, no prosecution witness has been examined so far. He further submits that the conclusion of the trial will take long time and the petitioner is no more required for further investigation.

Learned State counsel has filed custody certificate and has not disputed the actual custody gone by the petitioner.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 06 months and prosecution witnesses are yet to be examined, the present petition is allowed. 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 concerned.

(ARVIND SINGH SANGWAN)
JUDGE

02.11.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No