

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

206/105

**CRL.MISC. NO.1852 OF 2018 &
CRM-M NO.687 OF 2018**

DATE OF DECISION: JANUARY 23, 2018

Malook Singh

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

**Present: Mr. G. S. Sandhu, Advocate,
for the petitioner.**

**Mr. Apoorv Garg, DAG, Haryana,
for the State.**

AUGUSTINE GEORGE MASI, J. (ORAL)

Crl.Misc. No.1852 of 2018

Application is allowed as prayed for.

Criminal Misc. M No.687 of 2018

The petitioner has filed the present petition for grant of regular bail in case FIR No.272, dated 08.05.2017, registered under Sections 148, 149, 323, 307, 302 and 506 IPC at Police Station Assandh, Karnal (Annexure P-1).

It is the contention of learned counsel for the petitioner that the petitioner was arrested on 12.05.2017 and is in custody since then. He submits that the petitioner is not named in the FIR and on the disclosure made by one of the co-accused, Mukkaddar Singh, he has been nominated as an accused. He further contends that no attribution has been made to the petitioner by said Mukkaddar Singh. However, in his own statement, the

petitioner has stated that he had given fist blows to the deceased. He also contends that the challan has been presented. However, out of 13 accused, only 10 have been arrested and 3 are yet to be arrested. Counsel contends that the trial is not proceeding in the light of the fact that 3 accused are still to be arrested. No useful purpose will be served by keeping the petitioner in custody. He, thus, prays that the present petition be allowed and the petitioner be granted the concession of regular bail.

On the other hand, counsel for the State submits that the petitioner was a member of unlawful assembly and they had together given beatings to the deceased and others. He, however, could not dispute the fact that the petitioner is not named in the FIR nor has any role been attributed to him by any of the witnesses, apart from the fist blows, which too is on his own confessional statement.

In view of the fact that the petitioner is in custody since 12.05.2017 and 3 accused are yet to be arrested because of which the trial is not proceeding at pace, no useful purpose will be served by keeping the petitioner in custody in the light of the allegations levelled against him.

In view the above, the present petition is allowed. The petitioner is directed to be released on bail on his furnishing personal and surety bonds to the satisfaction of **Trial Court/Chief Judicial Magistrate/Duty Magistrate, Karnal.**

January 23, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No