

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

**CRM-M No.7319 of 2018
Date of Decision: 14.03.2018**

Anil Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vijay Pal, Advocate for the petitioner.

Mr. Vikramjit Singh, Additional Advocate General, Haryana.

MAHABIR SINGH SINDHU, J. (Oral)

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.310 dated 25.07.2017, registered under Sections 304/34 of the Indian Penal Code, registered at Police Station Barwala, District Hisar.

It is contended by learned Counsel for the petitioner that the petitioner is in custody since 27.07.2017 and even the charges have not been framed till date. It is further stated that there are 19 prosecution witnesses cited by the prosecution and that will take a long time.

The above factual position is not disputed by learned State Counsel, on instructions from ASI Jai Bhawan. He has stated that only report under Section 173 Cr.P.C. has been submitted and charges are yet to be framed and for that purpose, the case is fixed for 22.03.2018.

As per allegations in the FIR itself, the deceased-Rajesh consumed liquor with the petitioner-Anil Kumar and Sunil and there was no enmity alleged between them. As per the Post Mortem Report, there was no bleeding present and as such, allegation of causing injuries to the deceased also becomes doubtful.

The prosecution has cited 19 prosecution witnesses and charges are yet to be framed and the petitioner is in custody since 27.07.2017. Thus, no useful purpose would be served by keeping the petitioner behind the bars and it would be just and appropriate if the concession of bail is granted to the petitioner. Therefore, in view of the abovesaid circumstances, this petition is accepted. Petitioner-Anil Kumar is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court.

The above observations be not construed as an expression of opinion on merits of the case.

Disposed off accordingly.

March 14, 2018

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>