

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

206

CRM-M NO.9491 OF 2018

DATE OF DECISION: MAY 15, 2018

Sultan

.....Petitioner

VERSUS

State of Haryana

....Respondent

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

Present: Mr. Jasbir Mor, Advocate,
for the petitioner.

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

AUGUSTINE GEORGE MASI, J. (ORAL)

The petitioner has filed the present petition for grant of regular bail in case FIR No.298, dated 28.10.2016, registered under Sections 302, 34 IPC, at Police Station Uchana, District Jind.

It is the contention of learned counsel for the petitioner that the petitioner has been falsely implicated in this case and even going by the overt act, which has been attributed to the petitioner where it has been asserted that the petitioner had caught hold of deceased, Pawan son of the complainant while his son, Karam Singh, had given *danda* blow. He contends that no recovery has been effected from the petitioner and he has been arrested on the date of registration of FIR i.e. 28.10.2016. He is in custody since then and the trial has not proceeded at a good pace. He further

states that out of 17 prosecution witnesses only 10 have been examined and 7 are yet to be examined and, therefore, the petitioner be granted the concession of bail.

Counsel for the State, on the other hand, on instructions from ASI Dharam Pal, Police Station Uchana, Jind, contends that 27 injuries were found on the person of deceased, who was a 15 years old minor boy. He, however, could not dispute the factum that as per the allegations in the FIR, the role which is attributed to the petitioner is that he had caught hold of deceased, facilitating the injuries to be given by his son. Further, no recovery has been effected from the petitioner. The stage of the trial also could not be disputed by counsel for the State.

Having considered the averments made by counsel for the parties and keeping in view the fact that the petitioner is in custody since 28.10.2016, as also the role which is attributed to the petitioner with no recovery having been effected from him and the trial not likely to conclude in near future and 7 witnesses still to be examined, 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 **Chief Judicial Magistrate/Duty Magistrate, Jind.**

Any observation made herein above shall have no bearing on the merits of the case during the trial in any manner.

May 15, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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