

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

**CRM-M No.5838 of 2019 (O&M)
Date of decision : 13.02.2019**

Naveen

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Man Mohit Malik, Advocate
 for Mr. Rakesh Kumar Lathwal, Advocate
 for the petitioner.

Mr. Himmat Singh, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.327 dated 01.07.2017 registered under Sections 302/307/148/149/34/216 IPC and Section 25 of Arms Act, 1959 at Police Station Kharkhoda, District Sonipat, Haryana.

Learned counsel for the petitioner has argued that the injury attributed to the present petitioner is a *kassi* blow on the back of the head but the PMR does not reveal any injury on the head or a scalp. He has further argued that the petitioner has been in custody for almost 1 year and 7 months and that it is a clear case that he has been inculpated falsely and not even a single witness has been examined.

Custody certificate dated 12.02.2019 filed by way of affidavit

on behalf of State is taken on record. Copy supplied to the counsel opposite. As per the custody certificate the petitioner has undergone 01 year 06 months and 25 days of custody.

Learned State counsel on instructions from SI Vijender Singh has accepted these facts. He has also accepted that there is no injury on the head of the deceased which may be reflected in the PMR. He however states that this is a serious case where two persons have been murdered.

In my considered opinion, keeping in view the nature of allegations made against the petitioner and the period of incarceration already suffered by the petitioner and without going into the merits of the case, I deem it appropriate to release the petitioner on regular bail to the satisfaction of the concerned CJM/Illaqa Magistrate/Duty Magistrate.

Ordered accordingly.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

13.02.2019

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No