

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

CRM-M-51032 of 2018
Date of Decision: 23.01.2019

Kashmir Singh
Versus

....Petitioner

State of Haryana
....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

Mr. Chanderhas Yadav, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case FIR No.643 dated 30.07.2018 under Sections 148, 149, 323, 342, 506, 307 read with Section 34 of the Indian Penal Code registered at Police Station Assandh, District Karnal.

It is contended by learned counsel for the petitioner that the age of the petitioner is 75 years and he is in custody since 18.10.2018 and report under Section 173 Cr.P.C. has already been submitted before the Court of competent jurisdiction. Also contends that the co-accused i.e. son of the petitioner has already been arrested and the case is now fixed for consideration of charges on 28.02.2019, thus the trial is likely to take long time, hence, he be enlarged on bail.

Learned State counsel has duly acknowledged the above factual position regarding custody and status of trial.

Learned counsel for the complainant opposed the bail primarily on the ground that the petitioner has actively participated in the occurrence. Similar argument has been raised by learned State counsel also.

In view of the fact that the petitioner is of 75 years of age and he is in custody since 18.10.2018. The report under Section 173 Cr.P.C. has been submitted before the Court of Competent Jurisdiction and now the case is fixed for consideration of the charges, thus the trial is likely to take a long time to be concluded. Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Kashmir Singh be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

January 23, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no