

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

**CRM-M No. 28706 of 2019
Date of Decision:-15.07.2019**

Kamal @ Medical @ Nikky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Kamal @ Medical @ Nikky has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.844 dated 25.11.2018, under Sections 148, 149, 324, 341 and 506 IPC and Section 25 of Arms Act (Section 307 IPC added later on), registered at Police Station Gurgaon Sadar, District Gurugram. The petitioner is in custody since the date of arrest on 13.12.2018.

As per prosecution version, on 23.11.2018, at about 5.30 PM, when complainant Amit Kumar was going to Devi Lal Stadium for playing, at that time, accused Gullu armed with pistol, Kamal (petitioner herein) armed with knife and Akash armed with danda gave beatings to him by

giving knife and danda blows. Meanwhile, 8-10 more persons also came and started giving beatings to complainant by kick and fist blows. Thereafter, after seeing the incident when friend of complainant, namely, Vikas and his friends came there, all the accused persons ran away and while going away, they threatened the complainant with dire consequences.

Learned counsel for the petitioner contends that that the petitioner is in custody since 13.12.2018. The investigation of the case has already been completed and challan in this case has already been filed before the Court in the month of February, 2019. He further contends that co-accused Akash @ Chotu has already been granted the concession of regular bail by this Court vide order dated 13.5.2019 passed in CRM-M-15771-2019.

On the other hand, learned State counsel, who is assisted by ASI Rishi Pal, opposed the bail application on the ground of seriousness of offence. However, it is not disputed that the petitioner was arrested on 13.12.2018 and the challan in the case stands filed on 10.2.2019 and the charges in the cases are yet to be framed.

Considering the custody period and the fact that challan in the case stands filed on 10.2.2019 and charges are yet to be framed, this Court does not find any valid reason for further detention of the petitioner in judicial custody. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

July 15, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No