

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

215

CRM-M-37382-2019 (O & M)
Date of Decision:11.09.2019

Bablu Kumar and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arvinder Arora, Advocate for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.75 dated 30.03.2019, under Sections 323, 325, 307 and 34 IPC, 1860, registered at Police Station Mullana.

The prosecution case is that on 27.03.2019, the petitioners along with one Ravinder gave severe beatings with fists and kick blows to the complainant-Dharam Pal. As a result of the beatings, Dharam Pal (complainant) suffered a severe neck injuries and he remained immobilized for some time.

Learned counsel for the petitioner contends that initially FIR was registered for the offence punishable under Sections 323, 325 and 34 IPC in respect of the occurrence which took place on 27.03.2019. He submits that the allegations against petitioner No.2 is general in nature and

the injury inviting the offence punishable under Section 307 IPC added on

06.04.2019 is attributed to petitioner No.1 - Bablu Kumar. Learned counsel for the petitioners submits that he does not press the present petition qua petitioner No.1 and wishes to withdraw the petition at this stage.

Prayer is accepted. The petition qua petitioner No.1 is dismissed as withdrawn.

Learned counsel submits that the investigation of the case is complete and further detention of petitioner No.2-Subhash may not be justified.

On the other hand, learned State counsel assisted by SI Sarwan Kumar has opposed the bail application. Learned State counsel does not dispute this fact that the injuries on the neck of the complainant inviting the offence punishable under Section 307 IPC were caused by petitioner No.1- Bablu Kumar by giving him fist blows and kick blows. It is also not disputed that the challan stands filed and the case is fixed for 19.09.2019 for prosecution evidence.

Considering the above background and the fact that the trial is likely to take some time, further detention of petitioner No.2 may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that petitioner No.2 be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed qua petitioner No.2.

11.09.2019
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No