

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

**CRM-M No.39256 of 2019 (O&M)
Date of Decision: 22.10.2019**

Javed @ Jahid

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S.Sidhu, Advocate for the petitioner.

Mr. Arun Kumar, AAG, Haryana for the respondent/State.

Ms. Amandeep Kaur, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.0086 dated 21.03.2019, under Sections 148, 149, 323, 325, 506, 285 of the Indian Penal Code, 1860 (Section 307, IPC added later on), registered at Police Station Pinangwa, District Nuh.

Contentends that allegation against the petitioner is that he has thrown a brick towards the complainant. Also contends that petitioner is in custody since 19.07.2019 and during investigation, the police has found that no offence under Section 307, IPC is made out and the challan has already been presented on 16.09.2019. Further contends that there is no other criminal case pending against the petitioner.

The above factual position is duly acknowledged by learned State Counsel, on instructions from S.I. Khem Chand as well as learned Counsel for the complainant, but opposed the bail.

Heard both sides and perused the paper-book.

Since the investigation is already over and during investigation, the offence under Section 307, IPC has been deleted by the police and charges are yet to be framed in this case, thus, the trial will take a long time.

In view of above, further incarceration of the petitioner will not serve any purpose. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

October 22, 2019

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>