

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

CRM-M No.43785 of 2019 (O&M)
DATE OF DECISION : 3rd DECEMBER, 2019

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.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. Amit Khatkar, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.23 dated 02.02.2019 registered under Sections 201, 307, 323, 341, 394, 506, 325 & 34 IPC and 25 of the Arms Act, 1959 at Police Station Sadar Tohana, District Hisar.

It is contended by the counsel for the petitioner that the name of the petitioner has been wrongly dragged in this case without any basis. Initially the petitioner was not even named in the FIR. Still further, it is submitted that even as per the allegation of the prosecution, the petitioner is alleged to have given danda blow on legs and hands of the injured-complainant. None of the injury is on the vital part, nor the injury attributed to the petitioner is inviting Section 307 IPC. The petitioner is in custody since 30.03.2019. There is no other case pending against the petitioner as of today. The challan has been filed, however, the charge is yet to be framed. The petitioner is not required for any

investigation purposes. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned counsel for the State, on instructions from ASI Rajesh Kumar submits that the petitioner has indulged in causing injury to the complainant. Specific injuries are attributed to the petitioner. However, it is not disputed that the petitioner is in custody since 30.03.2019 and the evidence of the prosecution has not even started so far.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

3rd DECEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

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