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

**CRM-M-51318-2019
Date of decision-17.01.2020**

Sunder Ram

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajender Kumar, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Sunder Ram has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.508 dated 02.11.2018 registered under Sections 323 and 506 read with Section 34 of Indian Penal Code, 1860 (Sections 148, 149, 325, 307 and 120-B IPC added later on) at Police Station Pehowa, District Kurukshetra. The petitioner is in custody since his arrest on 17.06.2019.

The FIR was registered on the complaint of Sunita Devi against Gogi, Vikas @ Vicky, Sunder, Bantu, wherein it was alleged that on 07.10.2018, at about 8.30 p.m. when her son, namely, Ranbir Singh was returning home through Randeep park, then above-mentioned persons were

hidden behind the stones. On seeing the complainant's son, all accused persons who were armed with iron rods, attacked on him. They all caused several injuries to Ranbir Singh. On hearing noise, complainant reached at the spot, thereafter, all assailants ran away. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the occurrence took place on 07.10.2018 whereas the FIR was lodged after a delay of more than three weeks on 02.11.2018. It is pointed out that no specific injury is attributed to the petitioner in the FIR and the rest of the accused have been released on bail. He invited the attention of the Court to the said orders (Annexures P-3 and P-4). He submits that at the time of registration of the FIR, the offence punishable under Section 307 IPC was not incorporated as it was added on 20.01.2019. It is pointed out that the prosecution has examined nine witnesses including the complainant.

On the other hand, learned State counsel assisted by ASI Gurdev opposed the prayer on the ground that the petitioner was named in the FIR and he was armed with danda. He submits that the victim is yet to be examined as a witness before the trial Court. It is not disputed that the offence punishable under Section 307 IPC was added subsequently and further co-accused of the petitioner are on bail.

After hearing learned counsel for the parties, this Court finds that the trial is likely to consume considerable time and no useful purpose would be served by keeping the petitioner behind the bars. 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 requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

17.01.2020
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No