

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2051-2021

Date of Decision: 18.03.2021.

Kamal Kishore @ Rajan

...Petitioner

Vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

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

Ms. Rajni Gupta, Addl. AG, Haryana.

Mr. D.V. Dhindsa, Advocate for the complainant.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 439 Cr.P.C. is for grant of concession of regular bail to the petitioner in case FIR No. 179 dated 02.09.2020 (Annexure P-1), registered under Sections 148, 149, 302, 323, 452 and 506 IPC, 1860, at Police Station Barara District Ambala subsequently converted to Section 323, 325, 304, 452, 506 and 34 IPC during the pendency of the trial.

3. Learned counsel contends that the only injury attributed to the petitioner is of inflicting blow on the nose of the complainant, that the petitioner has been in custody for the last six months, that challan has been filed, charges are yet to be framed and that in the circumstances, no useful purpose would be served by keeping the petitioner in custody.

4. Learned Additional AG, Haryana, on the other hand, vehemently opposes the prayer for grant of regular bail to the petitioner on the ground that not only did the petitioner inflict blow on the nose of the complainant but also pushed the deceased Niranjn Dass i.e. father of the complainant as result of which he fell down and

suffered diffused swelling at the back of the head, which on dissection revealed underneath brain injured besides, skull cavity contained clotted blood.

5. Learned State counsel contends that in view of the serious nature of the allegations, the petitioner is not entitled to be released on bail.

6. Learned counsel for the petitioner states that he may be permitted to withdraw the instant petition at this stage, with liberty to take out appropriate proceedings in accordance with law at appropriate stage.

7. In view of the statement of learned counsel for the petitioner, the instant petition is dismissed as withdrawn with the liberty as prayed for.

(B.S. Walia)
Judge

18.03.2021.
rajender/shabha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No