

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

**CRM-M-474 of 2023
DECIDED ON: 12.04.2023**

ANIL KUMAR**.....PETITIONER**

VERSUS

STATE OF HARYANA**.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr.Rajan Singh Dadwal, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The instant petition under Section 439 Cr.P.C., has been filed for grant of regular bail to the petitioners in FIR No.151, dated 17.09.2020 under Sections 148, 149, 302, 120-B, IPC (final report presented under Section 302, 34 IPC) registered at Police Station Guhla, District Kaithal.

Learned counsel for the petitioner contends that there is a delay of more than 24 hours in lodging the FIR. However, no intimation whatsoever was given to the Police authorities with regard to the occurrence which allegedly took place on 16.09.2020. It is only on 17.09.2020, the complaint was made. Once the deceased collapsed in the hospital as he was taken to the hospital only on 17.09.2020 against the alleged injuries suffered by him on 16.09.2020. It is also asserted on behalf of the petitioner that the petitioner is the cousin brother of the wife of the deceased who has been arrayed in the said FIR i.e. the evidence against him.

Notice of motion.

On the asking of the Court, Mr.Ashok Kumar Sehrawat, DAG, Haryana accepts notice on behalf of the State. He has filed the custody certificate dated 11.04.2023 which is taken on record. According to the same, the petition has undergone 2 years 06 months and 21 days of custody. He on instructions submits that the petitioner has caused severe injuries to the injured with *danda* which he was seen to be held by the complainant.

In view of the above, and keeping in the fact that the petitioner has undergone 2 years 6 months and 21 days of custody and that no recovery is to be made from the petitioner and also taking into consideration the fact that the trial is likely to take some time, and therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The present petition is, therefore, allowed.

12.04.2023

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(SANDEEP MOUDGIL)
JUDGE

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