

Criminal Miscellaneous No.M-11335 of 2015 (O & M)
Date of Decision: *April 23, 2015*

Parveen

..... PETITIONER

VERSUS

State of Haryana

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. Parveen Kumar Rohilla, Advocate, for the petitioner.

Mr. C.S. Bakhshi, Additional Advocate General, Haryana.

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Jaspal Singh, J

1. This petition has been preferred under Section 439 Cr.P.C. by Parveen seeking bail in case FIR No.35 dated February 6, 2013 under Sections 302, 323, 325 IPC and Section 25 of Arms Act, registered at Police Station, Sadar, Panipat.

2. Inter-alia, contention of learned counsel for petitioner is that during investigation, petitioner was found innocent and his name was mentioned in Column No.2 of report presented under Section 173(2) Cr.P.C. Subsequently, on the basis of an application moved by prosecution under Section 319 Cr.P.C., petitioner alongwith co-accused Rajesh & others, were summoned to face trial under Sections 148, 323, 325, 302 IPC read with Section 149 IPC vide order dated January 17, 2014 (Annexure P-3). Co-accused of petitioner namely Rajesh has already been granted concession of pre-arrest bail by a coordinate Bench of this Court vide order dated April 7, 2014 in Criminal Miscellaneous No.M-4284 of 2014. Case of present petitioner is on similar footing.

3. It has further been contended that petitioner surrendered before Trial Court on April 29, 2014 and thereafter, he applied for bail but was declined. Trial is not likely to conclude in near future. Thus, petitioner deserves concession of bail.

4. Per contra, learned State counsel has submitted that petitioner does not deserve concession of bail as fatal injury has been attributed to petitioner and his case cannot be equated with his co-accused Rajesh.

5. This Court has given an anxious thought to submissions made by learned counsel for parties and perused the record.

6. A perusal of FIR transpires that injury No.2 which proved fatal to Ram Chander has been specifically attributed to petitioner, alleged to have been inflicted by him with a knife on right side of his chest. It is very surprising that a person who has been specifically attributed injury which proved fatal has been declared innocent during investigation which raises eye-brows qua investigation. Since an injury which proved fatal, has been attributed to petitioner, thus, he does not deserve concession of bail.

7. Dismissed.

April 23, 2015
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(Jaspal Singh)
Judge