

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

CRM-M-14622-2015

Date of decision: 13.05.2015

Madan Lal @ Maddi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Gitish Bhardwaj, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.356 dated 21.09.2014 under Sections 148, 149, 427, 436, 452 IPC and Sections 3 (2) (iii) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Madhuban, District Karnal.

Notice to Advocate General, Haryana.

Mr. Manoj Kumar Sangwan, DAG, Haryana accepts notice.

Learned counsel for the petitioner submits that Tarun Sharma son of the present petitioner lodged FIR No.355 dated 21.09.2014 under Sections 148/149/323/307/302/427 IPC and Sections 25/25 (54)/59 of the Arms Act as the brother of the petitioner has been killed by the complainant side. He further submits that present FIR was nothing but a counter-blast to the abovesaid FIR under Section 302 IPC. Accused in the abovesaid FIR No.355 had a strong motive to falsely implicate the present petitioner, in the present FIR. Further, no injury, as such, has been attributed to the petitioner. Since the petitioner is inside the jail from 04.12.2014 and trial will take pretty long time, he is entitled for bail pending trial.

On the other hand, learned counsel for the State, on instructions

from SI Dharam Pal, Police Station Madhuban, District Karnal, submits that petitioner was a member of unlawful assembly. He was very much present and participated in the commission of crime alleged against him in the present FIR. Some co-accused of the petitioner are yet to be arrested. Since the charge has already been framed and the case is listed before the learned trial Court for 14.05.2015 for recording the prosecution evidence, not much time shall be taken in conclusion of the trial. He prays for dismissal of the petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that keeping in view the peculiar fact situation of the case noticed hereinabove, petitioner is entitled for the concession of bail pending trial. It is so said because the son of the petitioner has been found complainant in the abovesaid FIR No.355 dated 21.09.2014 under Sections 307/302 IPC wherein it was alleged that the complainant side has caused the murder of brother of the petitioner. So far as the present case is concerned, no particular injury has been attributed to the petitioner. Since the prosecution evidence is yet to start, conclusion of the trial will take some time.

In view of the above and without commenting anything further on merit, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds, to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

13.05.2015
vishnu