

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

CRM No.M-15341 of 2015

Date of decision: 21.08.2015

Abid and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Jamshed Ahmed, Advocate for the petitioners.

Mr. Yashwinder Singh, DAG, Haryana.

Mr. Aditya Jain, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioners have sought regular bail in case FIR No.373, dated 17.11.2012, registered under Sections 323, 325, 302 and 34 IPC, at Police Station Hathin, District Palwar.

It is contended that the petitioners have been falsely implicated in the present case. The FIR was registered against 15 persons, however, during investigation, 11 of them were declared innocent and exonerated. The deceased Makhmul @ Handal died due to drowning in the canal. He further states that as per the post mortem examination, no injury was seen on the person of deceased.

The petitioners are in custody since November, 2011. The trial is not

progressing in view of the order passed by this Court in CRR No. 1788 of 2014, filed by respondent No.2, in which the trial Court was directed to adjourn the case beyond the date given by this Court. Moreover, nothing is to be recovered from the petitioners.

On the other hand, the learned State counsel as well as the learned counsel for the complainant oppose the bail application and states that there are specific allegations against the petitioners in the FIR. The petitioner Abbas was armed with kulhari and Abid was armed with lathi at the relevant time and gave injuries to the deceased and after throwing the deceased in the canal did not allow him to come out. The learned State counsel, submits that the challan stands presented; charges have been framed.

I have heard learned counsel for the parties and perused the record.

Perusal of the record reveals that deceased Makhmul @ Handal died due to drowning in the canal. No injury was noticed on the person of deceased during the post mortem examination. Out of total 23 witnesses, only 09 witnesses have been examined so far. The trial is moving at a snail speed due to the filing of the criminal revision, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioners be admitted to bail during the pendency of the trial, on their furnishing bail bonds

and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

20.08.2015

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(JITENDRA CHAUHAN)
JUDGE