

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-16293 of 2015 (O&M)
Date of Decision: 29.6.2015

Sonu Mishra

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Deepender Singh, Advocate for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No. 658 dated 12.10.2014 under Sections 323, 325, 34 I.P.C (later on sections 147, 149, 302 I.P.C were also added), registered at Police Station, Sector 10, District Gurgaon.

Learned counsel for the parties have been heard.

The process of law was initiated on the statement of Jyoti. As per prosecution version Narender (since deceased) was the elder brother of Jyoti and on 6.10.2014 at about 5.30 P.M he had accompanied one of his friends namely Habu. In the late hours i.e. at about 9 P.M family of Narender received information that he had been admitted to Ekta Hospital, Badshahpur in an injured condition. Jyoti, as such, raised allegations with regard to her brother having been injured by Habu as also some other companions.

Narender is stated to have expired on 16.10.2014.

Even though, the present petitioner was not even named in

the F.I.R but he has been sought to be implicated on the statement of co-accused namely Lalit Saini. Fist and slap blows have been attributed to the present petitioner.

The petitioner has been in custody since 17.10.2014. The trial is still at the initial stage. The issue as to whether an offence under Section 302 I.P.C is made out against the present petitioner would be a moot question to be taken up by the Trial Court.

The petitioner, otherwise, is not stated to be involved in any other criminal proceedings.

In the totality of circumstances noticed herein above, present petitioner is held entitled to the benefit of bail. Petition, accordingly, is allowed.

Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Gurgaon.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

29.06.2015
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