

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.M.No.M-16436 of 2015 (O&M)
DATE OF DECISION : 25.5.2015

Kuldeep Sharma

PETITIONER

VERSUS

State of Haryana

RESPONDENTS

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers 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 ?

Present:- Shri R.P.Rana, Advocate for the petitioner.

Shri Pawan Girdhar, Additional A.G. Haryana.

MAHESH GROVER, J.

This is a petition filed under section 439 Cr.P.C. with a prayer for release of the petitioner on bail in a case registered vide F.I.R. No.330 dated 24.10.2014 under Sections 148,149,323,324,302,506 I.P.C. at Police Station Mahesh Nagar, Ambala.

According to the F.I.R., the petitioner is not named. The deceased

was attacked when he objected to certain persons persisting with bursting of

crackers despite late hours. Incensed at this objection, the persons named in the F.I.R. got together and beat up Raj Pal who succumbed to his injuries.

Learned counsel for the petitioner contends that the petitioner is in custody since 24.10.2014 and that his name has not been mentioned in the F.I.R. No role has been attributed, but he has been named on the disclosure statement of the co-accused namely Rahul Sharma. These facts are not being controverted by the learned counsel for the State who on instructions from ASI Sultan Singh, however, states that the petitioner is involved in a serious offence and challan has been put up defining the role of the petitioner.

On due consideration of the matter and noticing that the petitioner's name does not figure in the F.I.R. and that he has been named by a co-accused and also noticing the fact that challan has been submitted and the petitioner is in custody since October, 2014 while the trial is likely to take some time, I deem it appropriate to accept the petition and release the petitioner on bail to the satisfaction of the trial Court.

Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

May 25, 2015
GD

(MAHESH GROVER)
JUDGE