

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
214

CRM No.M-1732 of 2015

Date of Decision:30.01.2015

Babu Lal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Akashdeep Singh, Advocate,
for the petitioner.**

**Mr.Naveen Sheoran, Deputy Advocate General,
Haryana, for the respondent-State.**

**Mr.R.N.Singal, Advocate,
for the complainant.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other co-accused, namely, Rakesh @ Mitu, Rattan, Sandeep and others, vide FIR No.381 dated 01.07.2014, on accusation of having committed the offences punishable under Sections 148, 149, 323, 324, 307 IPC and Section 25 of the Arms Act, by the police of Police Station Sadar Feteabad.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to

be accepted in this context.

4. Concisely, the prosecution claimed that, there was a dispute with regard to partition of joint property between the complainant-party and the accused-party. On 01.07.2014, all the accused came at the spot and caused injuries to Sunil and other injured PWs with their respective weapons. It is not a matter of dispute that, initially, the present case was registered against eleven accused, but during the course of investigation, accused Maina Devi, Krishna Devi, Naveen, Amit and Rajender were found innocent and were exonerated by the police. Neither any specific role nor any particular injury is assigned to the petitioner in the FIR, except that he fired aiming towards Sunil injured. In that eventuality, as to whether the penal provision of Section 307 IPC is attracted to the facts, relatable to the case of the petitioner or not, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

5. Be that as it may, the petitioner was arrested in this case on 07.08.2014. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. Since, not even a single witness has yet been examined by the prosecution, so, the conclusion of trial will naturally take a long time.

6. Not only that, Rakesh @ Mitu, Rattan and Sandeep, co-accused of the petitioner, were granted the concession of regular bail, by means of order dated 12.11.2014(Annexure P-5) in CRM No.M-37893 of 2014 and order dated 17.12.2014(Annexure P-6) in main CRM No.M-

41732 of 2014. Therefore, I see no reason not to extend the same benefit of regular bail to the present petitioner as well under the similar set of circumstances.

7. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

January 30, 2015
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(MEHINDER SINGH SULLAR)
JUDGE