

Crl. Misc. No.M-19634 of 2015

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

**Crl. Misc. No.M-19634 of 2015
Date of decision:16.06.2015**

Dixshant Yadav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the petitioner.

Dr. Sushil Gautam, DAG, Haryana.

Rakesh Kumar Jain, J.

The petitioner has prayed for grant of regular bail under Section 439 of the Code of Criminal Procedure, 1973, in a case registered vide FIR No.658 dated 30.12.2014, under Sections 148, 149, 323, 307 and 302 of the IPC at Police Station Mahendergarh.

The FIR was got registered by one Ajit S/o Hanuman in which he did not name the petitioner. However, on 04.01.2015, said Ajit suffered a supplementary statement in which the petitioner was also named without his being armed or taking any part in the alleged occurrence.

Counsel for the petitioner has submitted that the petitioner is a student of B.A. Part-II and had no role to play in the alleged occurrence in which Kuku lost his life.

Counsel for the State has argued that the petitioner was a member of unlawful assembly who had gathered at the scene of occurrence

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with the common intention and even if he was un-armed or did not participate in the commission of offence, as alleged, his very presence was a threat to the general public to interfere in saving the life of the deceased and he is, thus, equally responsible.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that the petitioner deserves concession of bail because he was not named by the injured Ajit in the FIR, though he had specifically named many other persons who were present at the scene of occurrence and it was only on 04.01.2015, i.e. about 6 days after the alleged occurrence, that the supplementary statement was suffered in which name of the petitioner was taken by the injured, though without any sort of participation in the alleged occurrence.

Thus, keeping in view the totality of the facts and circumstances but without expressing any opinion on the merits of the case, the present petition is hereby allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Narnaul.

June 16, 2015
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(Rakesh Kumar Jain)
Judge