

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

**CRM-M-19819 of 2015 (O&M)
Date of Decision: 9.7.2015**

Ravi

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. H.N.Sahu, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 449 dated 31.5.2014 under Sections 302/323/201/34/216 IPC registered at Police Station City Jind.

Notice to the Advocate General, Haryana.

On the asking of the Court, Mr. Ashish Yadav, Additional A.G. Haryana, accepts notice.

Learned counsel for the petitioner submits that no particular injury was attributed to the petitioner. He further submits that only a branch of tree was recovered from the petitioner. He also submits that the star witness of the prosecution namely Vijay Pal son of Ram Kishan who appeared as PW3 did not support the prosecution story, while deposing before the Court on 20.5.2015, which is clear from a bare reading of the statement Annexure P-4. He concluded by submitting that in such a situation, petitioner is entitled for the concession of bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Duli Chand, Police Station City Jind, submits that there were only two accused in the present case, i.e. petitioner and his father and both of

them committed the offence in question. The cumulative effect of the injuries caused by the petitioner was found cause of death of the deceased. In such a situation, not supporting the prosecution story by one witness, i.e. PW3, will not entitle the petitioner for concession of bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for the concession of bail pending trial. It is so said, because the star witness of the prosecution has not supported the prosecution story, while deposing before the court. No particular injury was attributed to the petitioner. So far as recovery was concerned, it is only a branch of tree, which can be hardly considered as a weapon of offence.

In view of the above and without commenting any further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

9.7.2015
Ak Sharma