

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

CRM-M-20761-2015

Date of decision: 14.07.2015

Harender

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Anshumaan Dalal, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.388 dated 05.08.2014 under Section 148, 149, 302, 307, 120-B IPC and Section 25 of Arms Act, registered at Police Station Civil Lines, District Rohtak.

Notice to Advocate General, Haryana.

On the asking of the Court, Mr. Ashish Yadav, Addl. AG, Haryana accepts notice.

Learned counsel for the petitioner places reliance on the order dated 02.07.2015 passed by this Court in CRM-M-16615-2015 (Yogesh Vs. State of Haryana), to contend that case of the present petitioner is identically placed. He submits that petitioner was not named in the FIR and only a stick has been recovered from him, whereas a motor-cycle was recovered from abovesaid Yogesh, who has been granted the concession of bail pending trial vide abovesaid order dated 02.07.2015. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Krishan Lal, Police Station Civil Lines, District Rohtak, submits that case of the present petitioner is distinguishable from the case of his co-accused

Yogesh, because petitioner gave injuries with the stick which has been recovered from him. He also submits that after passing of the order dated 02.07.2015 in Yogesh's case (supra), charge has been framed by trial Court on 10.07.2015. 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 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 bail pending trial. It is so said because despite having made his best efforts, learned counsel for the State could not distinguish the case of the present petitioner from that of his abovesaid co-accused Yogesh and rightly so, it being a matter of record. Further, since prosecution evidence is yet to start, trial will take time. It is also a matter of record that the petitioner was not named in the FIR.

In view of the above and without commenting anything further on merits 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

14.07.2015
vishnu