

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

Crl.Misc.No.M-22691 of 2015(O&M)

Date of Decision : 22.07.2015

Hanny Gotam

....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Ms. Garima Sharma Advocate for the petitioner

Mr. Anmol Malik, AAG, 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 and he was also not present at the spot. 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 however, states that the petitioner is involved in a serious offence and challan has been put up defining the role of the petitioner. It has been further stated that his co-accused has already been released on bail.

On due consideration of the matter and noticing that the petitioner's name does not figure in the F.I.R and the fact that he was not present at the spot and also noticing the fact that he has been named by a co-accused and also considering 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 and also the fact that his co-accused has already been granted the benefit of bail, 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.

July 22, 2015
rekha

(Mahesh Grover)
Judge