

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

CRM-M-23040-2015

Date of decision: 24.07.2015

Mohan @ Monu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Rakesh Nehra, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.34 dated 03.03.2014 under Sections 307, 420, 216, 34 IPC, registered at Police Station City Gohana, District Sonapat.

Notice to Advocate General, Haryana.

On the asking of the Court, Mr. Manoj Kumar Sangwan, DAG, Haryana accepts notice.

Learned counsel for the petitioner submits that since the petitioner was not named in the FIR, there was no scope of levelling any allegation against him. However as per the MLR, two fire arms injuries were found on the person of the injured out of which one has been attributed to the petitioner and the other was attributed to co-accused/Rohit. He refers to the order dated 21.01.2015 (Annexure P-2), whereby Rohit/co-accused of the petitioner has been granted the concession of bail pending trial. He

concluded by submitting that since the petitioner is identically placed with his co-accused/Rohit, he is also 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 Dalvir Singh, Police Station City Gohana, District Sonapat, submits that case of the present petitioner is not the similar to that of his co-accused/Rohit. He opposes the instant petition contending that since the petitioner has been found involved in another criminal case under Section 302 IPC and two revolvers were recovered from him, in the present case, he is not entitled for bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, 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 bail pending trial. It is so said because despite having been made best efforts, learned counsel for the State could not distinguish the case of the present petitioner from that of his co-accused/Rohit. It is also a matter of record that abovesaid Rohit, co-accused of the petitioner was granted the concession of bail pending trial, after he has spent only about 08 months in the jail whereas the petitioner is inside the jail for the last one year and three months. Both these accused have been attributed one fire arm injuries each. So far as other case against the petitioner is concerned, he is stated to be an accused with the aid of Section 120-B IPC.

Be that as it may, since only two PWs have been examined in the present case, conclusion of the trial will take some time.

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, instant 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

24.07.2015
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