

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

CRM-M-23227-2015

Date of decision: 29.07.2015

Dinesh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.13 dated 18.01.2013 under Sections 302, 34 IPC and Section 25 of Arms Act, registered at Police Station Rai, District Sonapat.

Learned counsel for the petitioner contends that petitioner is identically placed with his co-accused namely Gagandeep @ Gagandip Singh Budhwar who has been granted the concession of bail by this Court vide order dated 13.05.2015 (Annexure P-7). He further submits that although it was a double murder case but both the accused have been found to have caused one fire arm injury to each of the deceased. The stage of trial is also the same which was obtaining on 13.05.2015, when his co-accused Gagandeep @ Gagandip Singh Budhwar was granted the concession of bail by this Court. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Vijay Pal, Police Station Rai, District Sonapat, submits that case of

the petitioner is clearly distinguishable on facts from his co-accused Gagandeep @ Gagandip Singh Budhwar. He submits that the petitioner has been attributed head injury to the deceased. Four live cartridges and two mobile phones have been recovered from the petitioner which prima facie establish the presence and involvement of the petitioner at the time and place of occurrence. He concluded by submitting that since the case of the petitioner is not similarly situated with his co-accused Gagandeep @ Gagandip Singh Budhwar, who was granted the concession of bail by this Court vide order dated 13.05.2015 (Annexure P-7), petitioner is not entitled for the 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 rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has not been found entitled for bail pending trial. It is so said because he has not been found identically placed with his co-accused namely Gagandeep @ Gagandip Singh Budhwar, who was granted the concession of bail by this Court vide order dated 13.05.2015 (Annexure P-7).

Two mobiles phones and four live cartridges have been recovered from the petitioner. Seat of injury, which has been attributed to the petitioner, has also been found to be altogether different than the one attributed to the co-accused of the petitioner. Although the trial is going on at a slow pace, yet that fact alone would not be sufficient to grant bail to the petitioner.

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, no case for bail pending trial is made out.

Dismissed.

However, learned trial Court is directed to make an endeavour to conclude the trial at an early date.

29.07.2015
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE