

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-23298-2015
Date of decision:10.8.2015

Vikas and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Bipin Ghai, Sr. Advocate with
Mr.Vishavjit S. Virk, Advocate for the petitioners.

Mr.Ashish Yadav, Addl. A.G., Haryana.

Mr.J.K.Kamboj, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioners seek bail pending trial in FIR No.1046 dated 16.11.2014 registered under Sections 452, 323, 302 and 34 IPC and under Section 3 of the SC/ST Act at Police Station, Sadar, District Hisar.

Learned senior counsel for the petitioners places reliance on an order dated 2.7.2015 passed by this Court in CRM-M-20605-2015 (Deepak @ Badri v. State of Haryana), whereby co-accused of the petitioners was granted concession of bail pending trial by this Court. He submits that case of the present petitioners is identically placed. He further submits that since now an application under Section 319 Cr.P.C. has been moved by the prosecution for summoning Sunil as an additional accused, trial will take long time in its conclusion. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that although the case of the petitioners was almost identical with that of their

co-accused Deepak @ Badri (supra), who has been granted concession of bail by this Court vide above-said order dated 2.7.2015, yet the petitioners are not entitled for bail pending trial for the reason that a motorcycle was also recovered from the petitioners. He prays for dismissal of the 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 instant case, petitioners have been found entitled for 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 petitioners from the case of their co-accused Deepak @ Badri and rightly so, it being a matter of record. Further, since the prosecution has moved an application under Section 319 Cr.P.C. for summoning Sunil as an additional accused to face the criminal trial, conclusion thereof 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, the present petition is allowed. Petitioners are directed to be released on bail pending trial on their furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

10.8.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE