

CRM no.M-23597 of 2015(O&M) 1

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

CRM no.M-23597 of 2015(O&M)

Date of Decision : 04.08.2015

Shubham @Dhayani

....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. Dinesh Trehan, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana

MAHESH GROVER, J.

Petitioner prays for grant of bail in terms of Section 439 Cr.P.C in case FIR no. 330/2014 dated 24.10.2014 registered under Sections 302, 323, 324, 506, 148, 149 IPC at Police Station Mahesh Nagar, District Ambala.

The incident pertains to the night of Diwali on 23.10.2014. The deceased objected to the petitioner and his friends from indulging in excessive revelry as it was disturbing the neighbours. Infuriated on this Rahul attacked Raj Pal with a stick while Sahil gave repeated knife blows to him. This attack was followed up by 3-4 other friends of Rahul.

The petitioner is alleged to be one of those unknown persons who caused an injury with a danda blow on the thigh of the deceased and arms of the wife of deceased.

Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and the death has occurred on account of the role attributed to Rahul and Sahil. Further contends that the petitioner is in

custody since 26th November, 2014 and only one witness has been examined so far. Besides, co-accused of the petitioner has already been enlarged on bail and the petitioner has been implicated solely on the statement of the co-accused.

Learned counsel for the respondent on the other hand points out to the serious nature of the allegations and unprovoked nature of attack.

I have heard learned counsel for the parties and noticing the fact that the petitioner is in custody since November, 2014 and the fact that he had not been named in the FIR even though serious and specific role has been attributed to Rahul and Sahil and noticing the fact that in the trial where only one witness has been examined is likely to take some time as also the fact that some co-accused have already been released on bail, instant petition is accepted. It is directed that the petitioner be released on bail in terms of Section 439 Cr.P.C. Bail to the satisfaction of learned Trial Court.

Nothing said herein shall be construed to be an expression of opinion on the merits of the case.

August 04, 2015
rekha

(Mahesh Grover)
Judge