

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

CRM-M-24058-2015

Date of decision: 08.12.2015

Ashish Gupta

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. H.P.S. Ishar, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.62 dated 13.02.2014 under Sections 302, 212, 201, 120-B IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station Hodal, District Palwal.

Learned counsel for the petitioner submits that investigating agency is not making any efforts to arrest the other co-accused. He also refers to the statements of PW1 and PW2 to contend that they have not supported the prosecution story. Learned counsel for the petitioner further submits that there was hardly any link evidence to connect the petitioner with the offence, in question. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Fateh Singh, Police Station Hodal, Palwal, submits that sufficient evidence has been collected against the petitioner to establish the role played by him in the commission of crime. He also submits that out of total 20 PWs, 13 PWs have already been examined and the remaining 07 PWs have been

summoned for the next date of hearing i.e. 10.12.2015. He also submits that since the trial is about to conclude, petitioner is not entitled for bail pending trial, at this stage. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length and after careful perusal of the record of the case, this Court is of the considered opinion that keeping in view the peculiar fact situation of the present case, petitioner has not been found entitled for bail pending trial, at this stage. It is so said because possibility of participation by the petitioner in the commission of offence cannot be ruled out, at this stage. It will be for the learned trial Court to assess the quality of evidence produced by the prosecuting agency against the petitioner. Since out of 20 PWs, 13 PWs have already been examined and all the remaining 07 PWs have been summoned for the next date of hearing i.e. 10.12.2015, petitioner is not entitled for bail, at this stage.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the case of either side, no case for bail pending trial has been made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

08.12.2015
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