

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

CRM-M-26836-2015

Date of decision: 20.08.2015

Harbans Singh @ Golu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. P.S. Sullar, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.393 dated 08.10.2014 under Sections 148, 149, 323, 324, 302, 506 IPC and Section 25 of Arms Act, registered at Police Station Sadar Thanesar, District Kurukshetra.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case only for the reason that he happened to be the relative of Ajmer Singh, his co-accused. Thus, it prima facie shows that the complainant side has tried to implicate maximum number of accused including the relatives of accused Ajmer Singh. No specific role has been attributed to the petitioner. He concluded by submitting that since the charge is yet to be framed, conclusion of trial will take a pretty long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Tarsem Singh, Police Station Sadar Thanesar, District

Kurukshetra, submits that one motorcycle and a danda have been recovered from the petitioner which shows his participation in the commission of crime. Allegations are serious in nature. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said because no specific allegation has been levelled against the petitioner. Neither any injury nor any weapon of offence has been attributed to him. Motorcycle which is stated to have been recovered, does not find mention in the FIR. Thus, it will be a debatable issue whether the petitioner, as a matter of fact, actually participated in the commission of crime or not.

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, present 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

20.08.2015
vishnu