

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

CRM-M-28004-2015

Date of decision: 02.09.2015

Himanshu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Mukesh Yadav, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

Mr. Tapan Yadav, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.658 dated 30.12.2014 under Sections 148, 149, 323, 307, 302 IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station Mahendergarh, District Mahendergarh.

Learned counsel for the petitioner submits that since the petitioner was not named in the FIR, there was no scope of levelling allegations against him. However, the complainant had a second thought and tried to implicate the petitioner by suffering the supplementary statement after four days of the occurrence. Still no specific attribution has been alleged against the petitioner. He concluded by submitting that since the charge is yet to be framed, conclusion of trial will take long time. He

prays for allowing the present petition.

On the other hand, learned counsel for the State as well as learned counsel for the complainant submit that involvement of the petitioner has been duly established by way of supplementary statement made by the complainant. Although the petitioner was not named in the FIR, yet he has been found to be harassing the sister of the deceased which gave motive to the offenders for committing the offence under Section 302 IPC. They concluded by submitting that since the petitioner was one of the accused, he is not entitled for bail pending trial. They jointly pray for dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for bail pending trial. It is a matter of record that petitioner was not named in the FIR. A bare perusal of the supplementary statement (Annexure P-1) would also show that there is no direct or indirect allegation against the petitioner, so far as the commission of offence under Section 302 IPC is concerned. At the most, an allegation of harassing the sister of the deceased has been levelled against the petitioner. It will be a debatable issue before the learned trial Court whether petitioner, as a matter of fact, played any role in the commission of crime under Section 302 IPC.

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, instant 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

02.09.2015
vishnu