

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M No.3036 of 2015

Date of Decision:04.02.2015

Anil @ Raghu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Kartar Singh Malik-I, Advocate,
for the petitioner.**

**Mr.Naveen Sheoran, Deputy Advocate General,
Haryana, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other main co-accused, namely, Kuldeep, Pawan @ Pona and Bittu etc., vide FIR No.364 dated 24.08.2014, on accusation of having committed the offences punishable under Sections 307, 341, 34 IPC and Section 25 of The Arms Act(the offence punishable under Section 325 IPC was later on added), by the police of Police Station City Rohtak.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. What cannot possibly be disputed here is that, neither the name of the petitioner is mentioned nor any specific role or particular injury is attributed to him in the FIR. He was just accompanying the

main accused Kuldeep. In that eventuality, as to whether the penal provisions of Section 307 IPC or vicarious liability, as contemplated under Section 34 IPC, are attracted to the facts, relatable to the case of the petitioner or not, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

5. Be that as it may, the petitioner was arrested in this case on 26.08.2014. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous conviction in any other criminal case. Since, not even a single witness has yet been examined by the prosecution, so, the conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

February 04, 2015
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(MEHINDER SINGH SULLAR)
JUDGE