

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

**Criminal Misc. No. M-30716 of 2015
Date of Decision: 17.9.2015**

Suresh

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Paramjit Singh Sullar, Advocate
for the petitioner.

Mr. M.K.Sangwan, DAG, Haryana.

Mr. Saurabha Sharma, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 393 dated 8.10.2014 under Sections 148/149/323/324/302/506 IPC and Section 25 of the Arms Act, registered at Police Station Sadar Thanesar, District Kurukshetra.

Learned counsel for the petitioner submits that admittedly, the petitioner belongs to a different village. He further submits that petitioner was son-in-law of Zile Singh and brother-in-law of Malkit Singh. Petitioner has been roped in, because he is closely related with the main accused. There was no occasion for the petitioner to be present at the time and place of occurrence. He also places

reliance on the order dated 20.8.2015 passed by this Court in CRM-M-26836 of 2015 (Harbans Singh @ Golu Vs. State of Haryana), whereby similarly situated co-accused of the petitioner was granted the concession of bail pending trial. He concluded by submitting that since prosecution evidence is yet to start, conclusion of trial will take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instruction from ASI Tarsem Singh, as well as learned counsel for the complainant vehemently oppose the present petition contending that since the petitioner actively participated in the offence by facilitating the main accused, he is equally liable. They further submit that since next date before the learned trial court is 24.9.2015 for prosecution evidence, petitioner is not entitled for the concession of bail pending trial. They pray for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that keeping in view of the peculiar facts and circumstances of the case, petitioner has been found entitled for the concession of bail pending trial.

It is so said, because admittedly the petitioner belongs to a different village. Petitioner was married in the village of the main accused namely Malkit Singh. In fact, petitioner is stated to be a handicapped person. In such a situation, it shall be the debatable issue whether the petitioner, as a matter of fact, actively participated in the crime or not. Further, since prosecution evidence is yet to start,

conclusion of trial will take some time.

In view of the above and without commenting anything further on the merits of the case, 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

17.9.2015
AK Sharma