

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

**Criminal Misc. No. M- 31370 of 2015
Date of Decision: 12.10.2015**

Jagdish and another

--Petitioners

Vs.

State of Haryana

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. R.S.Dhull, Advocate
for the petitioners.

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

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioners seek bail pending trial in FIR No. 2 dated 2.1.2014 registered under Sections 323/341/506 read with Section 34 IPC (Section 302 IPC was added later on), at Police Station Pundri, District Kaithal.

Learned counsel for the petitioners submits that during the last more than six months, not even one PW has been examined and petitioners are inside jail for the last more than one year. He further submits that since the prosecution evidence is still going on, trial will take long time. On merits, he submits that deceased died after about 12 days of the occurrence. In such a situation, it cannot be said as to which injury was fatal and caused by which accused. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Karambir Singh, Police Station Pundri, submits that no PW could be examined during the last six months, for the reason that

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authenticity of this document

the Presiding Officer was on leave. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioners have been found entitled for the concession of bail pending trial. It is so said, because since the identically placed co-accused of the petitioners namely Chamel Singh and Vikram have already been granted the concession of bail pending trial vide orders of even date, i.e. 11.8.2015 (Annexures P-3 and P-4), petitioners are also entitled for the similar relief of bail pending trial. Further, since the deceased died after 12 days of the alleged occurrence, it shall be a debatable issue before the learned trial court as to whether the petitioners, as a matter of fact, committed the offence alleged against them. Since the prosecution evidence is still going on, 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, present petition is allowed. Petitioners are directed to be released on bail pending trial on their furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

12.10.2015
AK Sharma