

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-31843 of 2015
Date of Decision : 28.9.2015

Ajmer Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

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CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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Present : Mr.P.S. Sullar, Advocate for the petitioner.
Mr. Ashish Yadav, Addl.A.G., Haryana.
Mr. Saurabh Sharma, Advocate for the complainant.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

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, Distt. Kurukshetra.

Learned counsel for the petitioner submits that case of the petitioner is an identical one, where two other co-accused of the petitioner namely; Suresh and Harbans Singh, have been granted the concession of bail by this court, vide order dated 17.9.2015 and 20.8.2015 passed in CRM No.M-30716 of 2015 and CRM No.M-26836 of 2015 respectively. He submits that although a danda has been recovered from the petitioner, but no specific injury has been attributed to him. 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, Distt. Kurukshetra, as well as learned counsel for the complainant opposed the present petition, contending that petitioner is one of the main accused. Specific role was attributed to him and his case was distinguishable from his above said co-accused namely; Suresh and Harbans Singh. They pray for dismissal of the present petition.

Having heard learned counsel for the parties and after going through the record of the case, this court is of the considered opinion that in 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 despite having made their best efforts, learned counsel for the State as well as learned counsel for the complainant could not distinguish the case of the petitioner from that of his above said co-accused namely; Suresh and Harbans Singh. 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, lest it should prejudice the rights of either of the parties, instant petition is allowed and the petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of the learned trial court.

Disposed of, accordingly.

28.9.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE