

211

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

CRM-M-33083-2015

Date of decision: 01.10.2015

Harvinder and ors.

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. K.S. Dhaliwal, Advocate
for the petitioners.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioners seek bail pending trial in FIR No.211 dated 26.05.2015 under Sections 148, 149, 323, 324, 307, 341 IPC and Section 25 of Arms Act, registered at Police Station Safidon, District Jind.

Learned counsel for the petitioners submits that a civil litigation was pending between the parties. Order of status qua granted by the learned Court of competent jurisdiction (Annexure P-1) was operating in favour of the petitioners. He further submits that parties were known to each other, they being collaterals. The incident took place on the spur of moment in front of the house of the petitioners. He also submits that since even no charge has been framed so far, conclusion of trial will take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Balwan Singh, Police Station Safidon, Jind, submits that petitioners are specifically named in the FIR and their active participation in the

commission of offence has been duly established on record. Recovery has been effected from the petitioners, because of which they are not entitled for bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that since civil litigation was pending and status quo order was operating in favour of the petitioners, coupled with the fact that incident took place in front of the house of the petitioners, they are entitled for bail. It would be a debatable issued before the learned trial Court as to who was the aggressor party.

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. Petitioners are directed to be released on bail pending trial on their furnishing adequate bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate, Jind.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

01.10.2015
vishnu