

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

CRM-M-35679-2015

Date of decision: 29.10.2015

Krishan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sandeep Lather, Advocate
for the petitioner.

Mr. Kapil Aggarwal, Addl. AG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.15 dated 16.01.2015 under Sections 386, 506, 120-B IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station Safidon, District Jind.

Learned counsel for the petitioner places reliance on an order dated 03.09.2015 (Annexure P-3) passed by this Court, whereby his co-accused namely Rajpal was granted the concession of bail. He further submits that petitioner was not named in the FIR and he has been sought to be made an accused later on, on the disclosure statement suffered by his co-accused before the police. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Ramesh, Police Station Safidon, Jind, submits that petitioner is not entitled for bail because his case is distinguishable from his abovesaid co-accused namely Rajpal. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length and after going through the record of the case, this Court is of the considered opinion that keeping in view the fact situation obtaining in the present case, petitioner has been found entitled for bail pending trial. It is so said because despite making his best efforts, learned counsel for the State could not distinguish the case of the present petitioner from that of his abovesaid co-accused namely Rajpal who was granted the concession of bail by this Court vide order contained in Annexure P-3. It is also a matter of record that petitioner was not named in the FIR and he has been sought to be implicated only on the basis of disclosure statement suffered by his co-accused before the police.

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, present 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

29.10.2015
vishnu