

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M-40038 of 2015
Date of Decision:-04.12.2015

Ishwar and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sanjay Vashisth, Advocate for the petitioners.

Mr. Praveen Aggarwal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in case FIR No. 307, dated 28.07.2015, for offence under Sections 323, 341, 342, 365, 34 IPC and 25 of the Arms Act, 1959, registered at Police Station, Tosham District-Bhiwani(Haryana), during the pendency of trial.

Learned counsel for the petitioners contends that in the present case, charges have been framed under Sections 323, 325, 341, 342, 365, 367/34 IPC and not under the Arms Act. He further submits that the petitioners are in custody since 29.07.2015 and the parties had *inter se* dispute between them. He also submits that there is no other case pending against the petitioners.

In support of his contention, learned counsel for the petitioners relies upon order of this Court passed in **CRM-M-37243 of 2015 titled as "Ramesh Vs. State of Haryana, decided on 05.11.2015,** to contend that in the

similar circumstances, co-accused has already been granted bail by this Court.

Learned counsel for the State, on instructions from SI-Jagdish Singh, submits that there are serious allegations of kidnapping against the petitioners and the trial is at the initial stage. He further submits that, as against the total 10 witnesses cited by the prosecution, only two witnesses have been examined.

I have heard learned counsel for the parties.

Considering the fact that the trial is at the initial stage and the petitioners are in custody since 29.07.2015, coupled with the fact that the other co-accused has already been granted by this Court in terms of **Ramesh case** (**supra**), I deem it appropriate to allow the present petition for grant of regular bail.

Accordingly, the present petition is accepted and the petitioners, namely, (i) Ishwar (ii) Sanjay and (iii) Mahender, are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of the trial Court.

It is also made clear that expression made here-in-above shall not be construed as an expression on the merit of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

(HARI PAL VERMA)
JUDGE

December 04, 2015
Anjal