

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

CRM-M-40229-2015

Date of decision: 04.12.2015

Prakashveer

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Ajay Chauhan, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.200 dated 15.04.2013 under Sections 302, 328, 147, 149 of the Indian Penal Code ('IPC' for short) (converted to Section 306/34 IPC later on) registered at Police Station Assandh, District Karnal.

Learned counsel for the petitioner submits that although the case was initially registered under Sections 302, 328, 147, 149 IPC but the investigating agency itself found the story put forth in the FIR to be a false one. Consequently, the investigating agency itself converted the case from Section 302 IPC to Section 306 IPC. Police report under Section 173 (2) Cr.P.C. has been presented only qua the offence under Section 306/34 IPC. He also refers to an order dated 01.09.2015 passed by this Court in CRM-M-28432-2015 (Suraj Bhan Vs. State of Haryana), whereby this Court has

granted the concession of bail pending trial to co-accused of the present petitioner. He submits that since the issue between the parties was pertaining to a money transaction, petitioner had no role to play in the commission of offence even under Section 306 IPC. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Prem Singh, Police Station Assandh, Karnal, submits that although the incidents were entirely different but the petitioner was facing two more FIRs. So far as the present FIR is concerned, learned counsel for the State has fairly stated that there was some money dispute between the parties and the investigating agency did not find it to be a case under Section 302 IPC. This was the reason that the challan was presented only for the offence under Section 306/34 IPC. He prays for dismissal of the present petition.

After hearing the learned counsel for the parties at considerable length, 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 since the investigating agency itself has deleted the offence under Section 302 IPC and found it only an offence under Section 306 IPC, petitioner has been found entitled for bail pending trial.

It is also a matter of record that similarly situated co-accused of the present petition was granted the concession of bail pending trial vide order dated 01.09.2015 (Annexure P-3). Further, 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 merits at this stage, lest it should prejudice the rights of either of the

parties, instant 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.

04.12.2015

vishnu

[RAMESHWAR SINGH MALIK]
JUDGE