

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

CRM-M-40418-2015

Date of decision: 08.12.2015

Mohan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Harish Nain, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.95 dated 27.02.2014 under Sections 302, 365, 420, 201, 216, 120-B of the Indian Penal Code ('IPC' for short), registered at Police Station Sadar Rohtak, District Rohtak.

Learned counsel for the petitioner submits that as per the police report under Section 173 Cr.P.C. (Annexure P-1), allegation against the petitioner was only for the offence under Section 420 and 120-B IPC. The allegation regarding the murder of Narender @ Nandu was against Deepak who has been granted the concession of bail by this Court vide order dated 13.08.2015 (Annexure P-4). He also refers to the cross-examination of PW5 at page 16 of the paper book (Annexure P-2) to contend that the dead body which was recovered, was found of a female which creates a doubt in the prosecution story. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Harinder Singh, Police Station Sadar Rohtak, submits that although Deepak was main accused in the present case, yet the petitioner is not entitled for bail pending trial at this stage, because allegation against the petitioner was also serious. He prays for dismissal of the present petition.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner has been found entitled for bail pending trial.

It is a matter of record that as per the report under Section 173 Cr.P.C. (Annexure P-1), there was no allegation against the petitioner for the offence under Section 302 IPC. This material fact has gone undisputed before this Court. It is also a matter of record that co-accused namely Deepak who was, in fact, the main accused in the present case has been granted the concession of bail by this Court vide order dated 13.08.2015 (Annexure P-4). 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 case of either side, 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.

[RAMESHWAR SINGH MALIK]
JUDGE

08.12.2015
vishnu