

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-42286-2015
Date of decision:21.12.2015

Bala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Bijender Dhankhar, Advocate for the petitioner.
Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.130 dated 6.10.2014 registered under Sections 302, 201 and 34 IPC and under Section 25 of the Arms Act at Police Station Mohana, District Sonapat.

Learned counsel for the petitioner places reliance on an order dated 8.12.2015 passed by this Court, whereby co-accused of the petitioner was granted the concession of bail pending trial in CRM-M-39079-2015 (Jai Bhagwan v. State of Haryana). He further submits that case of the present petitioner is on better footing as only two abrasions have been attributed to the petitioner. Petitioner is inside the jail for the last more than one year and as the prosecution evidence is still going on, conclusion of trial will take some time. He prays for allowing the present petition.

On the other hand, learned counsel fro the State, on instructions from ASI Naresh Kumar, Police Station Mohana, submits that case of the present petitioner is distinguishable from her co-accused namely Jai Bhagwan. He further submits that petitioner has actively participated in the

commission of offence. She caused two injuries on the person of the deceased, because of which she is not entitled for bail pending trial. He prays for dismissal of the instant 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 in the given fact situation of the instant case, petitioner has been found entitled for bail pending trial. It is so said, despite making his best efforts, learned counsel for the State could not distinguish the case of the present petitioner from her co-accused namely Jai Bhagwan, who was granted the concession of bail pending trial by this Court vide above-said order dated 8.12.2015. Further, petitioner is inside the jail for the last more than one year. Prosecution evidence is still going on and conclusion of trial will take some time.

In view of the above and without commenting anything further on the merits, lest it should prejudice the rights of either of the parties at a later point of time, 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.

21.12.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE