

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

CRM-M-42739-2015
Date of decision: 24.12.2015

Ranbir

...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. 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 15.4.2013 registered under Sections 302, 328, 147 and 149 of the Indian Penal Code (later on converted to Section 306 read with 34 IPC) at Police Station Assandh, District Karnal.

Learned counsel for the petitioner places reliance on the order dated 1.9.2015 (Annexure P-5) passed by this Court in CRM-M-28432-2015 (Suraj Bhan v. State of Haryana) and order dated 4.12.2015 (Annexure P-6) passed in CRM-M-40229-2015 (Prakashveer v. State of Haryana), to contend that case of the present petitioner is on better footing than his above-said co-accused Prakashveer. Further Prakashveer was alleged to have administered poisonous substance to the deceased, whereas no such attribution has been alleged against the petitioner. He further submits that since the earlier similar petition bearing CRM-M-14423-2015 was dismissed as withdrawn, at that stage as far back as on 17.8.2015 and thereafter above-said two co-accused of the present petitioner were granted

the concession of bail pending trial by this Court vide above-said orders, he is also entitled for bail pending trial. He also submits that since 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 for the State submits that though it is factually correct that attribution against Prakashveer, who is co-accused of the present petitioner, was that he administered poisonous substance to the deceased but the petitioner cannot claim innocence because allegation against him was also that of caught hold. He further submits that since out of total 30 prosecution witnesses, 12 have already been examined and next date before the learned trial Court is today itself, petitioner is not entitled for bail pending trial. He also submits that petitioner was found involved in another FIR as well. He prays for dismissal of the instant petition.

Having heard 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 totality of facts and circumstances of the case noticed hereinabove, petitioner has also 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 his above-said two co-accused namely Prakashveer and Suraj Bhan, who have already been granted the concession of bail pending trial by this Court. It is also a matter of record that so far as offence under Section 302 IPC was concerned, it was deleted by the investigating agency itself, converting the same into Section 306 IPC. 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 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.

24.12.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE