

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212

CRM-M No.4789 of 2015

Date of Decision:18.02.2015

Anil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

Present: Mr.S.S.Sahu, Advocate, for the petitioner.

Mr.Naveen Sheoran, Deputy Advocate General,
Haryana, for the respondent-State.

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other main co-accused Vicky etc., vide FIR No.166 dated 30.04.2014, on accusation of having committed the offences punishable under Sections 148, 149, 323, 307, 506 IPC and Section 25 of the Arms Act, by the police of Police Station City Tohana, District Fatehabad.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter alia*, claimed that on 30.04.2014, the petitioner came to the spot along with his other main co-accused Vicky and caused injury to Narender, brother of complainant-Surender son of Karambir. The main injury on the chest is attributed to

main accused Vicky(non-petitioner). The petitioner was stated to have fired a shot, which hit on the armpit of the injured. He did not repeat the injury. In that eventuality, as to whether the penal provisions of Section 307 IPC or vicarious liability, as contemplated under Section 149 IPC, are attracted to the facts, relatable to the case of the petitioner or not, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

5. Be that as it may, the petitioner was arrested in this case on 01.05.2014. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. The conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

February 18, 2015
seema

(MEHINDER SINGH SULLAR)
JUDGE