

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-22119 of 2016

Date of decision : October 17, 2016

Rahul

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sanjay Vashisth, Advocate, for the petitioner
Mr. Munish Sharma, AAG, Haryana, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Rahul in this bail application under section 439 Cr.P.C. who is facing trial in this case are that on 20.9.2015 he along with principal accused Kailash and 4/5 other persons have assaulted deceased Abhishek by means of a danda resulting in his instantaneous death.

The contentions of counsel for the petitioner are that neither the petitioner has been named in the initial complaint made by the mother of the deceased namely Guddi nor the petitioner is named in the subsequent statement of the alleged eye witness Ghanshyam who happens to be real paternal uncle of the deceased Abhishek. With all fairness, the learned State counsel has duly accepted that the only semblance of the evidence against the petitioner is statement of his co-accused Kailash, the very legality and acceptability of that evidence is a debatable issue. Keeping in view that at this juncture nothing concrete evidence against the petitioner

could be pointed out. The petitioner is in custody since 28.10.2015.

Keeping in view the substantive period of incarceration and the fact that the trial is not likely to be concluded in near future, without adverting to the merits of the case, the instant application is allowed. Bail to the satisfaction of learned trial court, Palwal.

The present petition stands disposed off accordingly.

Records be sent back.

October 17, 2016

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No