

CRM No. M-23158 of 2016

DECIDED ON: SEPTEMBER 14, 2016

PAWAN AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Bijender Dhankar, Advocate
for the petitioners.

Ms. Neelam Kashyap, DAG, Haryana.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 439 Cr.P.C., petitioners have sought regular bail in case FIR No. 147 dated 15.03.2016 under Sections 307, 212 read with Section 34 IPC, Section 25 of Arms Act and Section 3/33/89 of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 (for short 'Act') registered at Police Station Hodal, District Palwal.

At the very outset, learned counsel for the petitioners submits that he may be allowed to withdraw the instant petition qua petitioner No.1-Pawan.

In view of submission made by learned counsel for the petitioners instant petition is dismissed as withdrawn qua petitioner No.1-Pawan.

As far as petitioner No.2-Partap is concerned neither any specific injury has been attributed to petitioner No.2-Partap nor he was carrying any kind of weapon at the time of alleged occurrence. Even, no unparliamentary utterances has been ascribed to petitioner No.2-Partap, which attracts the provisions of Act. He has been implicated only with the aid of Section 34 IPC. The injury if any, has been attributed to his co-accused namely Pawan. Moreover, he is suffering incarceration from the date of his surrender before trial Court i.e. May 02, 2016. Otherwise also investigation is complete and report under Section 173(2) Cr.P.C has already been presented and disposal of challan would take sufficient long time.

Taking in to consideration all the above-said aspects but without expressing any opinion on the merits of the case, instant petition qua petitioner No.2-Partap is allowed and he is ordered to be released on bail at the satisfaction of learned trial Court/Duty Magistrate.

SEPTEMBER 14, 2016
sham

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No