

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No. 31028 of 2015 (O&M)

Date of Decision: 24.02.2016

Pardeep

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Gaurav Khera, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana
for the respondent/State assisted by ASI Devinder Singh.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the accused/petitioner in case FIR No. 93, dated 29.04.2015, for offences punishable under Sections 323, 302, 506/34 of the Indian Penal Code, registered at Police Station Baroda, District Sonapat.

Aforesaid FIR was got lodged by the injured/complainant-Gulab Singh, who subsequently died, that after jointly consuming liquor, his friends Anil, Virender @ Babla and Sonu had inflicted injuries on the night of 28.04.2015 upon him (complainant) and, thereafter, thrown him near a wine shop. Complainant-Gulab Singh subsequently died on 10.05.2015 while admitted in a hospital.

The name of the petitioner as accused was included on the supplementary statement of Sushil (brother of deceased-Gulab Singh) on 10.05.2015. The role attributed to the petitioner is of catching the hands of Gulab Singh, while the others inflicted injuries upon him, even as per disclosure statements of the rest of co-accused persons.

It is contended that the version of said Sushil Kumar cannot be relied upon as the deceased (Gulab Singh) himself while making his statement did not even attribute the presence of the petitioner. It is next submitted that the disclosure statement of the other co-accused is not admissible qua the petitioner and there is no recovery which has been affected from the petitioner. It is further submitted that the petitioner is in custody since 15.05.2015 and after presentation of the challan, only five, out of nineteen prosecution witnesses have since been examined. The petitioner is also stated to be not involved in any other criminal case.

Learned State Counsel, assisted by ASI Devinder Singh, is unable to refute the aforesaid factual position.

Without commenting on the merits of the case, keeping in view the facts noticed above and custody period of the petitioner, no useful purpose would be served by keeping the petitioner/accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sonapat.

February 24, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE