

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

CRM-M-32043-2016 (O&M)
Date of decision : 23.09.2016

Rajiv Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. J.P. Dhull, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana,
assisted by ASI Kulbeer Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.330 dated 24.10.2014, registered under Sections 323, 324, 302, 506 and 148 read with Section 149 of the Indian Penal Code, at P.S. Mahesh Nagar, Ambala.

Contentends that the petitioner is not named in the FIR and only 'elder son of Rajender' has been mentioned. No injury has been attributed to the petitioner. The only allegation against him is that he took the deceased Rajpal inside the house of the accused Narender, where the deceased was allegedly given beatings. Similarly placed co-accused, Umang Sharma @ Vishu has already been admitted to bail by this Court.

On the other hand, learned State counsel states that though the petitioner is not specifically named in the FIR, however, on the basis of the

description given in the FIR, his identity is fully proved. However, he admits the fact that the role of the petitioner is at part with co-accused Umang Sharma @ Vishu, who has been admitted to bail. He further informs that out of 37 prosecution witnesses, 24 have already been examined including the complainant.

Heard.

The petitioner is in custody since 24.10.2014. No injury has been attributed to him. Similarly placed co-accused has already been granted the concession of bail by this Court. The complainant stands already examined. Therefore, this Court feels that no purpose would be achieved in keeping the petitioner under further incarceration.

Keeping in view the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

23.09.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No