

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

**CRL. MISC. No.M-32272 OF 2016 (O&M)
DATE OF DECISION : 20th OCTOBER, 2016**

Mahender

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Rakesh Nehra, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.24 dated 12.01.2016 registered under Sections 307, 120-B, 34 & 506 IPC and Sections 25/29 of Arms Act at Police Station City Rohtak, District Rohtak.

Heard learned counsel for the rival parties.

The petitioner was granted interim bail by this court vide order dated 14.09.2016.

Learned State counsel, on instructions from ASI Vinod Kumar, vehemently opposed the petition for anticipatory bail on the ground that there is another case under Section 302 pending against the petitioner. The offence in this case was committed in January, 2016. The disclosure statement is said to have been made by co-accused Pawan @ Pauna on 26.05.2016 after his arrest, disclosing that it was the petitioner who had provided money and weapon for making the assault.

I have perused the FIR. In FIR there is specific name of Akshey Kumar and Somvir @ Kaira as the conspirators. The petitioner's name is not found at all.

The disclosure was made in May, 2016, prima facie, in my mind cannot disentitle the petitioner from having the relief of grant of anticipatory bail as there is no other evidence against the petitioner. Pendency of the other case against the petitioner would have no bearing on the instant matter.

In that view of the matter interim order dated 14.09.2016 is made absolute.

Disposed of accordingly.

20th OCTOBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No.