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

CRM-M-33145 of 2016 (O&M)

Date of decision: September 23, 2016

Kaptan

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Ashwani Talwar, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.83 dated 23.02.2016, under Sections 148, 149, 120-B, 302 of Indian Penal Code, 1860, registered at Police Station Madlauda, District Panipat, petitioner was arrested on 24.02.2016 and are in jail since then.

Learned State counsel states that after filing of the challan, the case is now fixed for prosecution evidence on 29.09.2016 before the trial Court. With the assistance of the learned counsel for the rival parties, I have perused the entire FIR as well as the impugned order carefully. Looking to the role attributed to the petitioner, prima-facie, it appears that the petitioner was merely the member of unlawful assembly and the actual assailants are different. The opinion of doctors shows that there is a possibility of Pale Ram dying due to cardiac

arrest and there is reason to believe prima-facie accordingly other than the injuries, though, in fact there is an evidence to show that other accused persons had caused injuries.

In that view of the matter, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned who may impose such conditions as deem fit and proper. Petitioner shall not enter Madlauda, District Panipat same and except the dates of appearance before the trial Court. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

September 23, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No