

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

(211)

**CRM-M-33640-2016 (O&M)
Decided on: October 24, 2016.**

Dinesh @ Bittu

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sultan Singh Lamba, Advocate, for the petitioner.

Mr. Gurdas Singh Salwara, DAG, Haryana.

M.M.S. BEDI, J (ORAL)

The petitioner has been in custody w.e.f. 31.05.2015 in a case registered at the instance of Saroj alleging that on 24.05.2015 when she along with her husband was going in a car, they were intercepted by 4 persons traveling in a Duster car. Three persons namely Vikas, Chand and Ram Parkash fired discriminatory from their pistols aiming at her husband on account of which he fell down and died.

It is an admitted fact that 10 persons are facing trial in the present case on account of having hatched conspiracy with the persons who were present on the spot. On account of dispute regarding Panchayat election, husband of the complainant had been threatened that he should not contest for the post of Sarpanch in the forthcoming elections.

Learned counsel for the petitioner has submitted that the petitioner has not been attributed any injury and that he was neither armed nor he had any enmity with the deceased. The petitioner was having no interest or claim against the deceased in any election but he has been falsely implicated.

I have heard learned counsel for the petitioner and learned State counsel.

There were allegedly four persons in the car and the other persons have been arrayed as accused on account of their conspiracy in the crime.

Learned State counsel on the basis of record submits that the petitioner has been named by Jai Parkash brother of the deceased though name of the petitioner has not been mentioned by complainant Saroj in her statement before the police.

Taking into consideration the totality of the circumstances, I am of the opinion that the material witnesses having been examined; the petitioner having not been attributed any injury; no motive having been alleged qua the petitioner; he being in custody w.e.f. 31.05.2015, the petitioner can be granted the concession of bail.

Co-accused of the petitioner who has not been attributed role of firing, have been granted concession of bail.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

October 24, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No