

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34645-2016

Date of decision: October 04, 2016.

Rajesh @ Kala

... **Petitioner**

v.

State of Haryana

... **Respondent**

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

Present: Shri Jarnail Singh Santa, Advocate for the petitioner.

Ms. Tanushreet Gupta, Deputy Advocate General, 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 21.3.2016 and is in jail since then.

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

October 04, 2016.
kadyan

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No