

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

**CRM No.M-37735 of 2015 (O&M)
Date of decision:21.01.2016**

Mukesh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. V.K. Sheoran, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

Mr. Zorawar Singh, Advocate for
Mr. N.S. Shekhawat, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.145 dated 03.08.2013, under Sections 148/149/302/323/506 IPC (challan presented under Sections 148/149/302/323/506/325/427/120-B IPC) registered at Police Station Siwani, District Bhiwani.

Counsel for the parties have been heard.

FIR in question was registered on the statement of Suresh Kumar, who is stated to be brother of deceased Mahipal. Version of the complainant is that on 03.08.2013, he along with his relatives as also brother Mahipal were proceeding on a vehicle to visit his cousin sister and the vehicle was being driven by Mahipal. After sometime, it was noticed that their vehicle was being chased by two bolero campers. Having intercepted the vehicle in which the complainant as also deceased were travelling, a number of persons are stated to have alighted and Mahipal is alleged to have been pulled out of the vehicle and given *lathi* and iron rod blows and which resulted in his death.

It has gone uncontroverted that specific attribution of an iron rod blow on the head of Mahipal is to co-accused Anoop. Even Sher Singh has been attributed an iron rod blow on the head of Mahipal which he managed to ward off.

Insofar as the present petitioner is concerned, no direct or overt act has been attributed. He is stated to be part of the group and has been implicated only with the aid of Section 120-B IPC.

Learned state counsel would concede that co-accused Sher Singh, Anoop, Ramphal, Virender, Sukhbir @ Sukhia and Mukesh have been granted the benefit of regular bail.

Petitioner has been in custody since 06.09.2014. The trial is stated to have not made much progress.

In view of the above and coupled with the length of incarceration already suffered by the petitioner, petition is allowed.

Petitioner be enlarged on bail subject to the satisfaction of CJM/Duty Magistrate, Bhiwani.

Disposed of.

21.01.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**