

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

CRM No. M-39087 of 2016

Date of decision:- 30.11.2016

Arvind @ Tinku

.....Petitioner

VS.

State of Haryana

..... Respondent

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Arun Gupta, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. S.S.Momi, Advocate
for the complainant.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure (for brevity, "Code" only), petitioner-Arvind @ Tinku has sought bail during the pendency of trial, in case FIR No.41, dated 17.04.2015, under Sections 148, 149, 323, 324, 326, 506, 212, 216, 201, 302 IPC and Section 25 of the Arms Act, Police Station Dhand, District Kaithal.

2. During the course of argument, it has revealed that neither the name of the petitioner has been figured in the FIR nor any specific role has been ascribed to him. However, he has been nominated as one of the accused on the basis of disclosure statement suffered by Billu @ Amit. Even as per the disclosure statement of Billu @ Amit, the petitioner is alleged to have given danda blow on the deceased and the other persons.

However, no specific injury has been attributed to him. It is not the case of the prosecution that the petitioner is/was not known to the complainant or the alleged eye-witnesses at the time of occurrence. Rather, it is evident from the document available on file that the petitioner is the neighbour of the complainant. The complainant and the eye-witnesses have already been examined. Otherwise also, the petitioner is behind the bars from the date of arrest i.e. 23.08.2015. Certainly, the conclusion of trial would take considerable time. It is also an admitted fact that the co-accused of the petitioner namely Randhir and Billu @ Amit have already been granted concession of bail vide orders dated 27.09.2016 passed in CRM-M No.29824 of 2016 and dated 30.11.2016 passed in CRM-M No.37388 of 2016. The case of the petitioner is not on the different footing than that of Randhir and Billu @ Amit.

3. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, the petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of concerned trial Court/Duty Magistrate.

30.11.2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No