

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

CRM-M No.38684 of 2015

Date of decision: 17th February, 2016

Ajay

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana.

Mr. Jitender K. Sehrawat, Advocate for
Mr. N.S. Shekhawat, Advocate
for the complainant.

FATEH DEEP SINGH, J.

Allegations in this second regular bail application under Section 439 Cr.P.C. in case FIR No.961 dated 30.12.2012 registered at Police Station Civil Lines, Hisar under Sections 302/307/148/149 IPC and Section 25 of the Arms Act filed by petitioner Ajay who is accused in this case, are that on 30.12.2012 he along with his co-accused numbering almost 37 had assaulted the complainant party by virtue of their previous enmity and thus, causing them injuries resulting in death of deceased Sandeep and injuries to one Samunder, the complainant.

Contentions of learned counsel for the petitioner are that similarly placed co-accused including Kalia @ Jaswant Singh have been allowed regular bail and that the petitioner is in custody since 09.10.2014 and that no role is attributed to him in commission of the crime. The same has been opposed stoutly on behalf of the State contending that even on earlier occasions since the petitioner had absconded while on interim bail he was declined this relief by this Court vide orders dated 22.04.2015.

Appreciating these submissions, in view of the incarceration undergone and that in the light of principle of parity coupled with the averments of the learned State counsel admitting the fact that neither the petitioner Ajay has been named in the FIR and it was subsequently in a supplementary statement he has been arrayed as an accused and even thereafter, no specific role has been assigned to him in commission of the offence. Keeping in view contentions of learned counsel for the petitioner that the trial is not likely to conclude in the near future, impels this Court to allow the prayer. However, to ensure that the petitioner does not abscond, he is ordered to be released on regular bail on furnishing heavy bail bonds and two sureties of the like amount to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Hisar.

The present petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

February 17, 2016

rps