

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-39737 of 2016
Date of Decision: 30.11.2016

Hari Ram alias Bishan Dass

...Petitioner(s)

Versus

The State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Karanvir Singh Khehar, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Anil Kumar Spehia, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner-Hari Ram alias Bishan Dass in case FIR No.205 dated 5.11.2015 under Sections 302/307/326/323/324/148/149/120-B IPC and Sections 25/27 Arms Act registered at Police Station Sadar Jalandhar.

Learned counsel for the petitioner contends that a bare perusal of the FIR would show that there is no allegation against the petitioner that he ever caused any injury to the deceased/injured. The only allegation against him is that he was found present at the scene of occurrence along with his vehicle.

Learned counsel for the complainant has fairly stated that no doubt, the petitioner has not been named in hatching the conspiracy but the fact remains that he was found present at the scene of occurrence along with his vehicle and therefore, it can sufficiently be construed that he was also involved in the case.

On the other hand, learned State counsel has also argued in the similar lines to that of the learned counsel for the complainant.

I have heard learned counsel for the parties.

Admittedly, no injury or role is attributed to the petitioner and he is stated to be in custody since 6.11.2015. Therefore, taking into consideration the fact that as against the total 35 witnesses, as cited by the prosecution, only one witness has been examined so far and in this manner, the trial in the case will take sufficiently long time, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

November 30, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No