

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

CRM No. M-39798 of 2016

Date of decision:- December 02, 2016

MAHESH @ VICKY

....PETITIONER..

VS.

STATE OF HARYANA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Gaurav Mohunta, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure (for short, "Cr.P.C."), petitioner-Mahesh @ Vicky has sought concession of bail during pendency of trial, in case FIR No. 207, dated 05.06.2016, under Sections 307, 34 IPC and Secitons 25 of the Arms Act, 1959, Police Station Kharkhoda, District Sonapat.

2. The only allegation which emerges from the prosecution case is that the petitioner got recovered his own car from his stone crusher, which has been used during the course of occurrence. However, no specific injury has been ascribed to the petitioner. The injury, which falls within the purview of Section 326 IPC, has been attributed to non-applicant-Rakesh, who is already cooling his heels behind the bars. On conclusion of investigation, report under Section 173 (2) Cr.P.C., has already been presented in the Court of ld. Jurisdictional Magistrate and at present trial is

listed for prosecution evidence. Even, examination-in-chief of injured and complainant has already been recorded by the trial court. The conclusion of trial would likely to take sufficient long time.

3. Thus, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars. Rather, his detention would be a burden on the State exchequer.

4. 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 trial Court/Duty Magistrate.

December 02, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No