

CRM No. M-43714 of 2016

DECIDED ON: DECEMBER 13, 2016

DEVENDER

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE 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 Cr.P.C., petitioner has sought bail in case bearing FIR No. 207, dated 05.06.2016, under Sections 307 and 34 IPC and Section 25 of Arms Act, registered at Police Station Kharkhoda, District Sonipat.

The allegations against the petitioner are that he accompanied by his coronaries namely Mahesh @ Vicky, Nitu @ Deepak and Rakesh @ Mota assaulted Dharminder-injured. No doubt the petitioner has got recovered a car from the water plant of his co-accused namely Rakesh @ Mota but there is no substantive evidence at this stage, that the said car was used during the course of occurrence. Moreover, the injury allegedly sustained by the complainant has been attributed to the co-accused namely Rakesh @ Mota, who is already

behind the bars.

During the course of arguments, it has been emerged that the complainant as well as injured have already been examined before the trial Court. However, the conclusion of trial would certainly take considerable time.

Taking into consideration the allegations and the fact that the co-accused of the petitioner, namely Mahesh @ Vicky, who is similarly situated has already been granted the concession of bail by this Court vide order dated December 02, 2016 passed in **CRM No. M-39798 of 2016**, this Court is of the considered view that on the doctrine of parity, petitioner also deserves the concession of bail.

Accordingly, instant petition is allowed and petitioner is ordered to be released on bail, during the pendency of trial, at the satisfaction of learned trial Court/Duty Magistrate.

DECEMBER 13, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*