

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

(I) CRM-M-6608-2016 (O&M)

Date of decision : 29.07.2016

Pola Ram

...Petitioner

Versus

State of Haryana

...Respondent

(II) CRM-M-14708-2016 (O&M)

Date of decision :29.07.2016

Major

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vipul Dharmani, Advocate,
for the petitioner in CRM-M-6608-2016.

Mr. R.S. Dhull, Advocate,
for the petitioner in CRM-M-14708-2016.

Mr. Saurabh Mohunta, DAG, Haryana,
assisted by ASI Roshan Lal.

Mr. V.S. Rana, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The above noticed two petitions filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') are being disposed of by this single order having arisen out of the same FIR bearing No.114 dated 02.07.2015, registered under Sections 323, 324, 302, 506 and 148 read with Section 149 of the Indian Penal Code, at Police Station Guhla, District

Kaithal.

Learned counsel, inter alia, contend that two co-accused have been granted bail by this Court (Annexure P-6). Petitioner Pola Ram is in custody since 03.09.2015, whereas, petitioner Major is in custody since 08.08.2015. The trial is not likely to be concluded shortly as only one prosecution witness out of twenty two has been examined so far.

On the other hand, learned State counsel, on instructions submits that the petitioners were members of the unlawful assembly, armed with weapons, attacked the deceased and his son (the complainant). The petitioners cannot claim parity with the co-accused who have been admitted to bail by this Court being ladies.

Heard.

From the perusal of the FIR, the presence and active participation of the petitioners in the alleged crime is made out. Petitioner Pola Ram is alleged to have given a lathi blow on the right shoulder of the complainant, whereas, petitioner Major has been attributed gandasi blow on the forehead of the deceased.

Keeping in view the serious nature of the offence wherein one person had lost his life, no case for grant of relief sought is made out.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion on the merits of the case.

29.07.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No