

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

CRM No.M-7646 of 2016 (O&M)

Date of Decision: 25.04.2016

Mahesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Deepkaran Dalal, Advocate for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.36 dated 19.01.2016, under Sections 147/148/149/186/307/323/332/353/427/435 IPC read with Sections 8(a)/8(b) of the National Highway Act, 1956 and Section 3(2) of the Prevention of Damage of Public Property Act, 1984, registered at Police Station Camp Palwal, District Palwal.

Counsel for the parties have been heard.

FIR came to be registered on a complaint made by ASI Suresh Kumar. It was stated that information was received with regard to a vehicle bearing registration No.HR-38-M-1041 allegedly loaded with meat and bones being parked at a spot and public having collected there on the suspicion that the same contained beef. Police officials having reached at the spot found that a crowd had collected including a large number of young persons who were allegedly armed with *lathis*, iron-rods, bricks and stones. The Sub Divisional Magistrate, Palwal and Tehsildar, Palwal are also stated to have arrived at the spot. As per prosecution, in spite of the crowd having been warned yet stones were pelted and some of the police officials even sustained injuries.

Counsel appearing for the petitioner would submit that even though 42 persons were named in the FIR and had been apprehended at the spot but during the course of investigation, 5 have been found to be innocent.

There is no specific role attributed to the present petitioner.

Investigation in the case is complete and the challan stands presented on 17.03.2016.

Petitioner has faced incarceration since 19.01.2016.

No useful purpose would be served by keeping the petitioner in custody.

It is not the case made out on behalf of the State that if benefit of bail is granted, the petitioner would be in a position to hamper the course of fair and free trial.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Palwal.

Disposed of.

25.04.2016

shubham

(TEJINDER SINGH DHINDSA)
JUDGE