

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

CRM-M-883 of 2016

Date of Decision: **February 17, 2016**

Mahender

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Johan Kumar, Advocate,
for the petitioner.

Mr. C.S. Bakhshi, Addl. AG, Haryana.

Mr. Aditya Sanghi, Advocate,
for the complainant.

M.M.S. BEDI, J. (Oral)

The petitioner seeks concession of regular bail in a case registered at the instance of Roshni alleging that her husband Krishan was assaulted by Sandeep and 4-5 other co-accused with axes.

The allegation against the petitioner is that he was also present on the spot as a member of unlawful assembly. The main accused Sandeep was responsible for 3 injuries resulting in death of Krishan on account of head injury.

The petitioner had been granted bail on 29.07.2016 but on addition of offence under Section 302 IPC, his bail was cancelled. The petitioner has now been in custody w.e.f. 05.08.2015.

It will be debatable during the course of trial whether with his alleged presence as a member of unlawful assembly, he could be held liable for the role attributed to Sandeep and others. The petitioner is stated to be

65 years of age.

Without expression of any opinion on merits, the petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of trial Court subject to the conditions that petitioner will not in any manner make any attempt to tamper with the evidence or hamper the further proceedings in trial, in any manner.

(M.M.S. BEDI)
JUDGE

February 17, 2016
Dinesh