

Sr. No.258

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

CRM No. M- 16569 of 2017 (O&M)

Date of Decision:18.05.2017

Kamal @ Pappi

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Surinder Dagar, Advocate
for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

Mr. B.S. Tewatia, Advocate
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks concession of regular bail pending trial in FIR No.721 dated 13.12.2016, under Sections 148, 149, 302, 323, 452 IPC and Sections 25, 54 & 59 of Arms Act (Section 325 IPC added later on), registered at Police Station Hodal, District Palwal.

Allegations against the petitioner are that he was a part of an unlawful assembly having gained forcible entry in the house of the complainant and being armed with a danda, had inflicted a blow on the head of father of the complainant namely Hari Ram. Deceased is Harish i.e brother of the complainant and who died on account of a firearm injury attributed to the main accused Devo@Davender. There is no attribution of injury to the present petitioner and on the person of the deceased.

Co-accused Bimlesh @ Kamlesh has been granted benefit of regular bail by a Co-ordinate Bench of this Court in the light of order dated 19.04.2017, passed in CRM-M-11920 of 2017.

Petitioner has faced incarceration since 14.12.2016.

Investigation in the case is complete, challan has been presented and charges have been framed.

Learned State counsel has informed the Court that out of 31 prosecution witnesses, none has been examined till date.

The trial, as such, is at the very initial stage and would take time to conclude.

In view of the above as also on the ground of parity, the petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of trial Court/Duty Magistrate, Palwal.

Petition disposed of.

18.05.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>