

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

CRM No. M-34015 of 2017 (O&M)

Date of Decision: 21.09.2017.

Mahinder @ Mahender

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Arun Kumar, AAG Haryana.

JITENDRA CHAUHAN.J.(ORAL)

This is second bail application filed under Section 439 Cr.P.C seeking grant of bail in case FIR No.582 dated 05.10.2016 registered under Sections 302, 201, 120-B and 346 read with Section 34 IPC at Police Station Meham, District Rohtak.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. Except the reference of the complainant that she overheard a co-villager to refer the name of the petitioner with regard to his involvement in the crime, there is nothing on record against the petitioner. There was no dispute and the petitioner did not have any motive against the deceased. The petitioner is in custody since 26.10.2016.

On the other hand, the learned State counsel opposes the bail application. It is submitted that the name of the petitioner has

specifically surfaced in the supplementary statement of the complainant and the disclosure statement of co-accused Deepak and Joginder which attaches culpability to the petitioner. However, on instructions, he states that the petitioner is not involved in the motive.

Heard.

Though, this is second bail application, however, the examination of complainant Shakuntla is a very material circumstance in favour of the petitioner. Considering the fact that the petitioner is in custody since 26.10.2016; he is not involved in any other FIR; challan stands already presented, out of 29 prosecution witnesses, five have been examined so far, therefore, it can be safely inferred that the completion of trial will take a long time so, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

21.09.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No