

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

212

CRM-M-37201 of 2017

DATE OF DECISION:06.10.2017.

Pawan Kumar

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Sushil Kumar Verma, Advocate for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

Shekher Dhawan, J. (Oral)

Present petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.24 dated 01.02.2017 under Sections 323, 452, 506, 34 IPC (Section 306/34 IPC added lateron), registered at Police Station City Mandi Dabwali, Distirct Sirsa.

Learned counsel for the petitioner contended that if the entire prosecution version taken to be correct, the allegation of offence under Section 306 IPC is attributed to accused Jagbir son of Preetpal and not to the present petitioner at the most role attributed to the present petition is that he had given slaps to the father-in-law of the deceased attracting provision of Section 323 IPC. The petitioner is in custody since 15.02.2017 and decision of the case still to take some more time.

Learned State counsel opposed the bail application on the ground that the petitioner is co-accused and he was aware of illicit relationship of Jagbir with the deceased and as such, with the aid of Section

34 the petitioner is also accused in the main case as well as for the offence under Section 306 IPC and he does not deserve the concession of bail.

Having considered the submissions made by learned counsel for the parties and the fact that as per dying declaration Annexure P-2 the allegation of Section 306 IPC is attributed to Jagbir and not to the present petitioner. More so, the petitioner is in custody since 15.02.2017 and decision of the case still to take some more time. No useful purpose would be served by detaining the present petitioner in custody, therefore, he is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of CJM/Area Magistrate, Sirsa.

The petition stands allowed.

(SHEKHER DHAWAN)
JUDGE

06.10.2017.

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