

Sr. No.220

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

CRM No. M- 9435 of 2017 (O&M)

Date of Decision:19.04.2017

Vikas Rathi

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Manvender Rathee, Advocate
for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

The petitioner seeks grant of regular bail pending trial in FIR No.250 dated 17.06.2015 under Sections 323, 506, 307 and 34 IPC, registered at Police Station Rajendra Park, Gurgaon, District Gurgaon.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Jaibir in relation to an occurrence that took place on 15.06.2015. Allegations are that while the complainant along with his cousin Pardeep (since deceased) were proceeding in a car, they were attacked by four occupants of another black colour Verna car and out of which two were specifically named as Devender @ Bantu and Madan @ Moni. Devender @ Bantu was stated to be armed with a pistol whereas the other assailants were stated to have baseballs and dandas in their hands. Allegations are that the four assailants collectively attacked Pardeep.

Initially FIR was registered under Section 323, 506, 307 and 34 IPC subsequently Pardeep having expired on 02.08.2016, offence under Section 302 IPC was added and supplementary challan was filed.

Name of the present petitioner does not figure in the FIR.

As per prosecution version, the present petitioner was armed with a danda.

During the course of hearing today, counsel appearing for the petitioner has adverted to the testimony of Jaibir, material eyewitness and who has not supported the prosecution version in so far as the present petitioner is concerned.

Petitioner has faced incarceration since 17.06.2015.

The trial shall take some time to conclude.

In view of the above and keeping in view the length of incarceration suffered by the petitioner, he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Gurgaon.

Disposed of.

19.04.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned : *Yes*
Whether Reportable : *No*