

CRM-M-11378-2018

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

CRM-M-11378-2018

Date of Decision: 23.03.2018

Rakesh Kumar

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. A.P.S. Deol, Senior Advocate, with
Mr. Himmat Singh Deol, Advocate,
for the petitioner.

Mr. J.S. Walia, Sr. D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Mr. Tejinder Pal Singh, Advocate, has appeared on behalf of the complainant and has filed his power of attorney in Court today, which is taken on record.

Learned Senior Counsel appearing for the petitioner submits that the petitioners' role, even as per the FIR, is not of actually having caused the fatal knife blows to the deceased, and as a matter of fact, he would be in that manner not differently placed from the co-accused, i.e. his wife Suman, who was admitted to bail by an order of this Court dated 19.02.2018, passed in CRM-M-21317-2017, a copy of which has been annexed as Annexure P-5 with the petition.

Learned counsel for the complainant, on the other hand submits that the the petitioner, Rakesh, and the co-accused are all attributed kick and fist blows to the deceased.

Upon query to learned State counsel, he on instructions from the police official who is present in Court today to assist him, submits that out of 19 prosecution witnesses, 05 have been examined so far, with the next date of hearing before the trial Court being 13.04.2018.

That being so, with the trial obviously not concluding in the immediate future and the petitioner already having been in custody for about 01 year and 03 months, with his role not any different from that of Suman, without making any comment whatsoever on the actual guilt or innocence of the petitioner, which would naturally be gone into by the trial Court on the basis of evidence led before it, this petition is allowed and the petitioner ordered to be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

March 23, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.