

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

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CRM-M No.13185 of 2018

Date of Decision: April 4th, 2018

Chand Ram @ Randa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sumit Gupta, Advocate
for the petitioner.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing the present petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.86 dated 26.04.2016, registered at Police Station Israna, District Panipat, under Sections 302/34 of the Indian Penal Code.

It is the contention of learned counsel for the petitioner that the petitioner is not named in the FIR. The petitioner has been shown to be connected with the commission of the offence to the limited extent that he was one of the person, who was sitting in the car when the offence actually took place and there is no overt act attributed to the petitioner including any injury upon the person of deceased-Naveen, who had 17 incised wounds and one abrasion on the different parts of the body. He contends that the petitioner also has been roped in on the basis of the disclosure statement of the co-accused. Petitioner was arrested on 20.06.2016 and is in custody since then. Out of 17 witnesses cited by the prosecution, three material witnesses and one official witness has been examined. He, therefore, prays for the petitioner being granted the benefit of bail during the pendency of the trial.

Counsel for the State, on the other hand, contends that the petitioner is the person, who was accompanying the co-accused and was present at the spot when the offence was committed.

He, however, on instructions from ASI Ravinder Kumar, Police Station Israna, District Panipat, could not dispute the factum that no overt act has been attributed to the petitioner except that he had taken liquor along with the other co-accused as well as deceased-Naveen with a quarrel following that.

Having considered the submissions made by the counsel for the parties and keeping in view the role which is attributed to the petitioner, with the petitioner being in custody for more than 1½ years and the trial is not likely to conclude in near future, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court.

April 4th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No