

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

**CRM-M No.13458 of 2018 (O&M)
Date of Decision: 07.05.2018**

Brahamjeet @ Bhola

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanjay Vashisth, Advocate for the petitioner.

Mr. Vikas Malik, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.176 dated 16.10.2017, registered under Sections 148, 149, 307, 323, 506 of the Indian Penal Code & Section 25 of the Arms Act, registered at Police Station Tigaon, District Faridabad.

It is contended by learned Counsel for the petitioner that the petitioner is in custody since 27.02.2018 and except Ninder and Bittu, all other co-accused have either been released on regular bail or granted the concession of pre-arrest bail. It is further contended that there is a cross-case also registered at the instance of the petitioner against the complainant side.

On the other hand, learned State Counsel, on instructions from S.I. Satpal Singh, has opposed the bail application by contending that a '*Danda*' has been recovered from the petitioner, but he has conceded that the allegations under Section 307, IPC are against co-accused Ninder and Bittu and not against the petitioner.

Since there is a cross-case registered by the petitioner against the complainant side regarding the same very occurrence i.e. FIR No.177 dated 16.10.2017, under Sections 148, 149, 307, 323 and 506 of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Tigaon, District Faridabad. It is matter of evidence to be seen after trial as to who was the aggressor party?

In view of the above factual position, no useful purpose would be served by keeping the petitioner behind the bars and thus, it would be just and appropriate if the concession of bail is granted to the petitioner. Therefore, this petition is accepted and petitioner-Brahamjeet @ Bhola is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

May 07, 2018

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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>