

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

**Criminal Misc. No. M-15325 of 2018
Date of decision: 20.12.2018**

Ramesh

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Pawan Kumar Hooda, Advocate
for the petitioner.

Mr. R.S. Doon, AAG, Haryana
for the respondent-State.

Mr. Sumit Gupta, Advocate
for the complainant.

Daya Chaudhary, J.

Petitioner-Ramesh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.246 dated 07.05.2017 registered under Sections 148, 149, 302 and 506 IPC at Police Station Gharaunda, District Karnal.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. The investigation has been completed and during investigation, accused-Roshan was arrested after 19 days of occurrence and he made a disclosure statement wherein the name of the petitioner was mentioned. As per disclosure statement, there was a scuffle between the petitioner and one Dopu. The petitioner was having grudge with said Dopu and for taking that revenge,

one person namely, Rinku had a knife and gave to Vishal, who is the main accused. Learned counsel further submits that as per investigation, Rinku gave knife to Vishal and Vishal gave knife to Roshan whereas as per disclosure statement of Roshan, the petitioner and Mintu caught hold of the deceased-Satnam and Roshan gave knife blow to him and other persons gave fist and kick blows to the deceased. Vijay was found innocent by the Investigating Agency and the present petitioner has been made as an accused whereas similar role has been attributed to the petitioner and co-accused Vijay that they caught hold the deceased. Learned counsel also submits that the petitioner is in custody since 23.05.2017 and challan has been presented. There is no apprehension that the petitioner may influence the witnesses.

Learned State counsel as well as counsel for the complainant have not disputed the custody period as well as release of co-accused on regular bail but opposed grant of regular bail to the petitioner.

Heard arguments of learned counsel for the petitioner, learned State counsel as well as learned counsel for the complainant and have also perused the contents of the FIR and other documents available on the file.

The stand of the prosecution is totally different as initially, petitioner-Ramesh and Vijay were shown to have caught hold deceased-Satnam but subsequently, they have been shown to have run away from the place of occurrence and threatened the deceased. Co-accused, namely, Mintu and Sonu have been released on regular bail by this Court. Co-accused-Roshan has already been released on regular bail.

Accordingly, in view of the stand taken by the prosecution,

which is totally different and by considering the fact that the petitioner is in custody since 23.05.2017; his co-accused, namely, Mintu, Sonu, Vishal and Roshan have been released on regular bail; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Ramesh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

20.12.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No