

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

CRL. MISC. No.M-15624 OF 2018
DATE OF DECISION : 26TH APRIL, 2018

Parkash Chand

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Bijender Dhankhar, Advocate for the petitioner.

Mr. Sidharth Sanwaria, DAG Haryana.

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A. B. CHAUDHARI, J. (ORAL)

This is second petition by the petitioner for regular bail in case FIR No.721 dated 13.12.2016 registered under Sections 148, 149, 323, 325, 302 & 452 IPC and Section 25/54/59 registered at Police Station Hodal, District Palwal.

Heard learned counsel for the rival parties.

There are in all 19 accused, who have been facing trial in the trial Court in this FIR. It is not in dispute that during the trial an application under Section 319 Cr.P.C. was filed for summoning six additional accused persons. Learned counsel for the petitioner submits that a criminal revision against the said order has been filed i.e. CRR No.3341 of 2017. There is stay of pronouncement of judgment in that order. Learned counsel for the petitioner further submits that the only role attributed to the petitioner is that he had used a *lathi* for causing

injury to Hari Ram and such injury is a simple injury. Insofar as the murder of brother of Harish is concerned, he has not been attributed single overt act.

I have gone through the FIR and in entirety I find that the complainant party had asked the accused party not to play music in loud volume. Number of people, including the present petitioner are said to have used weapons because of the said dispute. Devo @ Devender is said to have started firing with the weapon so also some other persons but then insofar as the present petitioner-Parkash is concerned, the only attribution is that he had used *lathi* and give injury to Hari Ram. Whether the injury to Hari Ram is simple or not would be seen at the time of trial but then looking to the *lathi* attribution to Parkash and that brother of the deceased claimed in the evidence that Parkash also tried to give injury to the deceased but there is no corresponding injury, I think he should be released on bail pending trial, as the trial will held *de novo* if at all the criminal revision petition allowed by this Court.

In that view of the matter, I make following order:

ORDER

- (i) CRL. MISC. No.M-15624 OF 2018 is allowed.
- (ii) Bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner to surrender his passport with the trial Court, if he possesses the same.

26TH APRIL, 2018
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>