

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

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**CRM-M-25135-2018 (O&M)
Decided on : 05.07.2018**

Pardeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present : Mr.Piyush Aggarwal, Advocate for the petitioner.

Mr.Manish Dadwal, AAG, Haryana.

P.B.BAJANTHRI, J. (ORAL)

In the present petition, petitioner has sought for regular bail under the provision of Section 439 Cr.P.C. in case FIR No. 564 dated 13.07.2016 under Section 302, 323, 148, 149, 506 IPC registered at Police Station Kalanaur, District Rohtak.

2. Learned counsel for the petitioner submitted that petitioner's role is limited to the extent that he has just entered the scene of the alleged incident and he was not having any weapon so as to implicate him. He has also pointed out from opinion/cause of death declared by Doctor to the extent that cause of death in the case is head injury. Head injury attributed to one Sonu and role played by the petitioner was only to hit the father of the complainant by kick blow. Therefore, petitioner is entitled for regular

bail.

3. On the other hand, learned State counsel on instructions from Head Constable Sohan Lal, P.S.Kalanaur, Rohtak submitted that the trial is at fag end as evidence of prosecution have already been completed. Only statement of accused under Section 313 Cr.P.C. is required to be recorded and next date has been fixed as 10.07.2018. So, at this stage bail cannot be allowed. Moreover, the accused was a member of unlawful assembly which resulted into the murder of complainant's brother.

4. Heard the learned counsel for the parties.

5. As the trial of the case is at fag end as evidence of prosecution has been completed and case is pending for recording statement of accused under Section 313 Cr.P.C. As regard to role played by the accused is required to be examined by the trial court at this stage. In view of these factual aspects, petitioner is not entitled to regular bail. Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

05.07.2018

pooja saini

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No