

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

**CRM-M No. 31036 of 2018
Date of Decision: 31.7.2018**

Vipin

.....**Petitioner**

v.

State of Haryana

.....**Respondent**

CORAM HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Jitender Dhanda, Advocate, for the petitioner

Mr. Vikas Malik, DAG, Haryana

RAJBIR SEHRAWAT, J.

Present petition has been filed under Section 439 of the Cr.P.C. for seeking bail pending trial in the FIR No. 365 dated 17.4.2018, under Sections 147, 149 and 302 IPC and Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station Sadar, Hisar.

Learned counsel for the petitioner contends that his name is not mentioned in the FIR. It is further submitted that even if the version of the prosecution is taken to be correct, then also no injury or even, no *lalkara* is attributed to the petitioner. Still further, it is contended that the injury, which has resulted in the unfortunate death of the deceased, is not caused by any defined weapon. The death has resulted from the alleged injuries caused with brick, by co-accused Surinder. In this situation, the petitioner is not shown to be directly involved in the case. Complicity of the petitioner in crime with the aid of Section 149 IPC shall be a moot point.

It is further contended that the petitioner is in custody since 18.6.2018.

On the other hand, learned State counsel, being assisted by SI Pawan Kumar, has submitted that the name of the petitioner has cropped up during the investigation, in the statement of the main accused Surinder. However, nothing has been recovered from the petitioner.

Be that as it may, but without commenting upon the merits of the case, the present petition is allowed. It is ordered that the petitioner shall be released on bail pending trial, on his furnishing bond/sureties to the satisfaction of the Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

31.7.2018

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No