

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

HEMLATA
2018.09.11 17:39
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CRM-M-34620-2018 (O&M)

Date of decision:11.09.2018

Ram Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Jitender Dhanda, Advocate with
Mr. Jagdish Rai, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No. 365 dated 17.04.2018 under Sections 147, 149, 302 of IPC and Section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station Sadar, Hisar.

Learned counsel for the petitioner submits that even as per case of the prosecution, the petitioner is not alleged to have caused any injury to any person. The incident, in which the deceased lost his life, is also stated by the complainant himself to have arisen suddenly. Therefore, by any means, it cannot be a case of committing any murder of the deceased intentionally. It is further contended that the petitioner is in custody since 04.05.2018. Challan has already been presented. The trial is likely to take long time because even the charges have not been framed so far. Counsel for the petitioner further contended that the co-accused of the petitioner has been released on bail.

Learned counsel for the State, being instructed by SI Satyawar, does not dispute that the petitioner is in custody since 04.05.2018. However, it is contended that the petitioner is the main person who had taken the co-accused to the house of the deceased.

In view of the above submissions made by counsel for the petitioner and without expressing any opinion on the merits of the case, but considering the fact that the petitioner is in judicial custody since 04.05.2018 and the trial is likely to take some time, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

11.09.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No