

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

CRM-M No.41059 of 2018

Date of decision : 27.11.2018

Suraj Parkash

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Parveen Sharma, Advocate for the petitioner.

Mr. Vijesh Sharma, DAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Suraj Parkash has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.132 dated 03.03.2018 under Sections 323/326/452/ read with Section 34 of the Indian Penal Code, 1860 (for short the 'IPC') and Section 307 IPC added later on registered at Police Station Samalkha, Distt. Panipat, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. Initially the FIR was registered under Sections 323/326/452 read with Section 34 IPC but subsequently offence under Section 307 IPC has also been added. Learned counsel also submits that co-accused namely Tara Devi and Raj Pal were released on bail by the trial Court vide orders dated

28.03.2018 and 04.04.2018 respectively, thereafter, Section 307 was added and both the accused filed anticipatory bail before this Court and they were granted anticipatory bail. Co-accused namely Sanjeev who has also filed CRM-M No. 27712 of 2018 has also been released on regular bail vide order dated 06.09.2018. Learned counsel further submits that injured has been discharged from the hospital and the petitioner is in custody since 03.03.2018 and only the brick has been recovered from the petitioner. Learned counsel also submits that after framing of charge no witness has been examined so far.

Learned State counsel has not disputed the custody period and release of co-accused on bail but opposes grant of bail to the petitioner on the ground of seriousness of offence.

Heard arguments of learned counsel for the parties and have also perused the FIR and other documents available on file.

Keeping in view the submissions made by learned counsel for the petitioner, the role attributed to the petitioner as well as the facts that the petitioner is in custody since 03.03.2018, that co-accused Sanjeev @ Sunny, Tara Devi and Raj Pal have been released on regular/anticipatory bail, no purpose would be served to keep the petitioner behind the bars, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

27.11.2018*sunil devi***(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No