

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
211**

CRM-M-5591-2018

Date of decision: 16.02.2018

Naresh

...PETITIONER

VS.

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rakesh Nehra, Advocate,
for the petitioner.

Mr. Vikas Chopra, Deputy Advocate General, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail in case FIR No. 67 dated 28.04.2016 under Sections 302/449/120-B IPC, 25/30/54/59 of Arms Act registered at Police Station Lakhan Majra, Rohtak, District Rohtak.

It is the contention of the learned counsel for the petitioner that although the petitioner has been named in the FIR but what has been attributed to the petitioner is that he had raised a *lalkara* that none of the persons in the household should be spared. His submission is that as per the FIR, only two persons entered the house, one was Amit @ Mitti son of Gulla and the other is Ravi son of Dhari. The motive, which has been attributed, is that the deceased Amarnath Chhabra's brother Krishan Chhabra, who is the complainant, had won the elections of the Sarpanch of Village Bainsi. He contends that the petitioner never entered the house of

the deceased or the complainant and has only been found to be standing outside the house in the street along with some other persons and had run away from the spot when the crowd started gathering after Amit @ Mitti fired on the deceased Amarnath Chhabra. He contends that the petitioner being in custody since 02.05.2016, the trial is not likely to conclude soon as out of 33 witnesses, only 13 witnesses have been examined till date. He asserts that the co-accused of the petitioner, namely, Dinesh, who is by and large similarly placed as the petitioner, has been granted the concession of bail by this Court vide order dated 02.02.2018 in CRM-M-18863-2017 titled as Dinesh vs. State of Haryana (Annexure P-1). He, thus, contends that the petitioner be granted the concession of bail.

On the other hand, learned counsel for the State although could not dispute the assertions of the counsel for the petitioner with regard to the involvement of the petitioner in the commission of offence, however, he, on instructions from ASI Balraj Singh, informs the Court that the trial Court is ceased of the matter today and the testimony of the complainant is in progress. He, therefore, prays that the petitioner be not granted the concession of bail.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the role, which has been attributed to the petitioner, is *lalkara* and that too, outside the house in the street with the petitioner being in custody since 02.05.2016 as 13 witnesses have been examined and including the complainant it would 14 witnesses who would have been examined and the trial is not likely to conclude soon, there are total 33 witnesses. Similarly placed co-accused has already been granted the concession of bail by this Court vide order dated 02.02.2018, referred to above.

In view of the above, the present application is allowed.
Petitioner is directed to be released on bail to the satisfaction of the trial
Court.

February 16, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No