

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

CRL. MISC. No.M-6973 OF 2018
DATE OF DECISION : 20TH APRIL, 2018

Subhash

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. S. S. Momi, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Additional Advocate General,
Haryana.

Mr. Raj Kapoor Malik, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

This is second petition for regular bail in case FIR No.25 dated 04.03.2016 registered under Sections 148, 149, 323, 342, 365, 302 & 307 IPC registered at Police Station Sadar Kaithal, District Kathal.

Heard learned counsel for the rival parties.

With the assistance of learned counsel for the rival parties, I have perused the First Information Report in which name of Subhash has not been mentioned as the part of unlawful assembly. This Court did not grant bail to Subhash on the earlier occasion as the trial was on. Now the evidence has been recorded by the trial Court. The star witness of the prosecution is injured PW-2 Mohit. I have seen his examination-in-chief produced on record by learned counsel for the petitioner. Indeed he has

taken the name of Subhash as the member of unlawful assembly, without attributing any specific role of assault to him as well as to deceased.

I have seen the evidence of PW-2 Mohit. In view of the above, prima facie, I am satisfied that petitioner-Subhash would be entitled to bail during pendency of the trial, particularly when the evidence of star witness has been recorded.

In that view of the matter, I make following order:

ORDER

- (i) CRL. MISC. No.M-6973 OF 2018 is allowed.
- (ii) Bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner to surrender his passport with the trial Court, if he possesses the same.

20TH APRIL, 2018
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>