

CRM-M-7846-2018

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

CRM-M-7846-2018

Date of Decision: 3rd April, 2018

Prem

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Bijender Dhankhar, Advocate,
for the petitioner.

Mr. Kuldeep Sharma, DAG, Haryana.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.375, dated 15.08.2017, registered at Police Station Sadar Rohtak, under Sections 302, 339 and 120-B of the Indian Penal Code and under Section 25 of the Arms Act.

It is the contention of the learned counsel for the petitioner that the allegation against the petitioner is that he was standing outside the liquor vend, when inside the liquor vend, his son Rohit and one Sandeep resident of Bamla, District Bhiwani, were attacking deceased-Ved Pal. His contention is that except for the said role that he was standing outside the liquor vend, there is no other allegation against the petitioner in the FIR. He asserts that what has been stated against the petitioner is that there was

earlier an altercation between the petitioner and deceased-Ved Pal and that there was previous rivalry, in which, one FIR was registered at the behest of the petitioner and in that case, deceased-Ved Pal stands acquitted. His submission is that the petitioner is in custody since 21.08.2017 and till date, charges have not been framed till date despite the presentation of challan as the report of Chemical Examiner is awaited. He contends that the trial is not likely to conclude soon and therefore, the petitioner be granted the concession of regular bail during the pendency of the trial.

Counsel for the State, on instructions from ASI Rajender Singh, Police Station Sadar Rohtak, states that the petitioner was very much present at the spot and it is at his behest that his son and co-accused have given beatings to deceased-Ved Pal. There was motive, which is attributed to the petitioner as he is the person who had an altercation with Ved Pal and he being the cause of all the trouble be not granted the concession of regular bail. He, however, could not dispute the factum with regard to the charges having not been framed because of non-receipt of the report of Chemical Examiner.

Having considered the submissions made by the counsel for the parties and keeping in view the allegations which have been made in the FIR against the petitioner as also the fact that he is in custody since 21.08.2017 with charges till date having not been framed, the trial is not likely to conclude in near future and therefore, continuation of the petitioner in custody would not serve any purpose. The present petition is, therefore, allowed and the petitioner is ordered to be released on bail subject to his

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furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

3rd April, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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