

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

CRM No.M-1091 of 2015

Date of Decision: 4.2.2015

Balwan @ Mogra

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr.Balraj Gujjar, Advocate for the petitioner.

Mr.Naveen Sheoran, DAG Haryana for the State.

MEHINDER SINGH SULLAR , J. (Oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other co-accused, namely, Sonu alias Jat, Anil alias Pawva, Ram Niwas, Sandeep and 15/20 others, vide FIR No.32 dated 14.2.2014, on accusation of having committed the offences punishable under sections 148, 307, 452, 120-B and 506 read with section 149 IPC and section 25 of The Arms Act, by the police of Police Station Siwani, Distt. Bhiwani.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and considering the entire matter deeply, to my mind, the present petition for regular bail deserves to be accepted in this context.
4. Precisely, the prosecution, inter-alia, claimed that on 13.2.2014,

the petitioner along with his other 15-20 co-accused came to the spot, with the intention to take the possession of old Haveli of Seths. As soon as, Arun Kumar, son of complainant Baldev Singh came in the courtyard, in the meantime, the petitioner was stated to have fired a shot, which did not hit anybody. Meaning thereby, it is a case of no injury. In that eventuality, as to whether the penal provision of an offence punishable u/s 307 IPC is attracted to the present case, or not, inter-alia, would be a moot point to be decided during the course of trial after receipt of evidence of the parties by the trial Court.

5. Moreover, the petitioner was arrested on 6.3.2014. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous conviction in any other criminal case. The final conclusion of trial will naturally take a long time.

6. Not only that, Ram Niwas, Sandeep, Sonu alias Jat and Anil alias Pawva, co-accused of petitioner, were granted the concession of regular bail, by means of orders dated 24.9.2014, 10.11.2014 and 8.1.2015 rendered in CRM Nos. M-32301, 36507 and 43951 of 2014 respectively by this court. Therefore, I see no reason not to extend the same benefit of regular bail to the present petitioner as well under the similar set of circumstances.

7. In the light of aforesaid reasons, taking into consideration the totality of the facts & circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail and surety

bonds to the satisfaction of the trial Court.

8. Needless to mention that nothing observed, here-in-above, would reflect, on merits of the main case, in any manner, during the course of trial, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

(Mehinder Singh Sullar)
Judge

4.2.2015
AS