

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

CRM-M No.18788 of 2015

Date of Decision:-29.09.2015

Shivji.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ashok K. Sharma Bhana, Advocate for the Petitioner.

Mr. R.K. Doon, AAG Haryana.

JASWANT SINGH, J.(ORAL)

Prayer is for grant of regular bail under Section 439 Cr.PC to the petitioner Shivji in case FIR No.172 dated 16.05.2014 for offences punishable under Sections 216, 302 & 34 of Indian Penal Code & Sections 25/54/59 of the Arms Act registered with Police Station Julana, District Jind.

As per the allegations in the FIR, the son of the complainant namely Anuj was shot dead in the fields by Kuldeep and the present petitioner. They are stated to have thereafter sped away on a motor cycle.

It is submitted that the allegations qua firing of the shot is qua Kuldeep Singh and it is the mere presence of the petitioner with Kuldeep, he has been involved in the crime. It is further submitted that the petitioner is in custody since 26.5.2014 and the case is at the stage of recording of

prosecution evidence based on the eye witness account of the family members.

Learned State Counsel on instructions from SI Suresh Kumar is unable to controvert the fact regarding the stage of the trial.

Without commenting upon the merits of the case, keeping in view the custody period and the aforestated role of the petitioner, petition deserves to be allowed since conclusion of trial is likely to take sometime and no useful purpose is going to be served by keeping the petitioner behind the bars. As such the present petition is allowed and petitioner is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Jind.

**(JASWANT SINGH)
JUDGE**

September 29, 2015
Vinay