

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-23622 of 2015 (O&M)

Date of Decision: 07.08.2015

Saroj Kumar @ Kannu

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.N. Yadav, Advocate for the petitioner.

Mr. M.S. Sidhu, Addl. A.G., Haryana.

Mr. Tapan Kumar Yadav, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No. 658 dated 30.12.2014 under Sections 148, 149, 323, 307, 302 I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, Mohindergarh, District Mahendergarh.

Counsel for the parties have been heard at length.

Deceased in the present case is Kukku and the date of occurrence is stated to be 30.12.2014. F.I.R was registered on the statement of Ajit son of Hanuman, who is also stated to have suffered a head injury in the occurrence.

As per initial statement of Ajit son of Hanuman, who is stated to be an eye witness as also injured in the occurrence, the name of the present petitioner did not even figure. Thereafter, a supplementary statement of Ajit was recorded on 4.1.2015 in which he has named the present petitioner but there is no direct attribution in so far as having caused any injury to the deceased.

It has gone uncontroverted that as per Post Mortem Report the cause of death of deceased Kukku is of a solitary gun shot injury suffered in the eye. Such injury has been attributed directly to co-accused Rabbu Nai.

Co-accused Sanket Joshi and Ravi Kumar have been granted the benefit of regular bail by this Court vide orders carrying even date i.e. 29.6.2015 passed in CRM Nos. M-20320 of 2015 and M-19663 of 2015 respectively.

Court has also been apprised that trial in the present case is at the very initial stage as after submission of challan even charges have not been framed.

Petitioner has been in custody since 1.1.2015.

Keeping in view the totality of circumstances and in view of the fact that no direct role/injury has been attributed to the present petitioner in so far as the deceased is concerned, the question as to whether offence under section 302 I.P.C would be made out, would be a moot question to be considered during the process of trial.

Present petition is, accordingly, allowed.

Petitioner be enlarged on bail subject to satisfaction of the Trial court.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.08.2015
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