

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

CRM-M-23903-2015

Date of decision: 6.8.2015

Surender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Atul Lakhanpal, Senior Advocate with
Mr. B.B. Kaushik, Advocate for the petitioner.
Mr. P.K. Jangra, Addl. Advocate General, Haryana.

Rajan Gupta, J. (oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Sections 302, 323, 341, 120-B read with Section 34 IPC and 25/54/59 of Arms Act at Police Station Civil Lines, Hisar, District Hisar, vide FIR No.476 dated 15.7.2014.

Learned counsel for the petitioner has *inter alia* argued that in the entire episode no role has been attributed to the petitioner namely, Surender. He is stated to be present on the spot when fatal shot was fired by his father namely, Sukhbir from the rooftop. Petitioner is stated to be in custody for last one year and trial is proceeding at snail's space.

Prayer for bail has been opposed by the State counsel.

Heard.

Allegation in the FIR is that complainant alongwith her husband Dilbagh Singh was having a walk in the locality i.e. Jawahar Nagar, Hisar. When they reached near the house of co-accused Sukhbir, complainant was walking just behind her husband. At that time, petitioner

alongwith co-accused came out of the house and caught hold of the deceased. He was thrown on the ground. At that time accused Sukhbir, who was on the rooftop, asked them to step back. He fired one shot which hit husband of the complainant. He was taken to the hospital but succumbed on the way.

Keeping in view contentions of counsel for the petitioner that no active role has been attributed to the petitioner and he is in custody for last one year, I am of the considered view that no useful purpose will be served by detaining the petitioner any longer. The trial may take long time to conclude. Thus, without expressing any opinion on the merits of the case, this petition is allowed and the petitioner is directed to be released on bail to the satisfaction of the trial court.

(RAJAN GUPTA)
JUDGE

6.8.2015
'Rajpal'