

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

**CRM No.M-27307 of 2014 (O&M)
Date of decision: 21.04.2015**

Satpal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. S.S. Sahu, Advocate for the petitioner.

Mr. M.S. Sidhu, Additional Advocate General, Haryana.

Mr. R.S. Mamli, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner pending trial in case FIR No.125 dated 17.05.2013, under Sections 147/148/323/307/302/216 read with Section 149 IPC and Sections 25/27/54/59 of the Arms Act, registered at Police Station Bhattu Kalan, District Fatehabad.

Counsel for the parties have been heard.

As per prosecution version, the alleged occurrence is stated to have taken place on 16.05.2013, wherein there has been an exchange of firing. Name of deceased is Rohtash, who has died because of gun shot injuries on his abdomen. The injured in the alleged occurrence are Sandeep, Ram Parshad and Kuldeep.

Insofar as the present petitioner is concerned, a pistol shot injury on the back of Ram Parshad has been attributed.

Learned State counsel as also Mr. R.S. Mamli, Advocate

appearing for the complainant would vehemently oppose the prayer made in

the present petition by referring to the statements of injured, namely, Ram Parshad, Kuldeep and Sandeep and would submit that there was no variation therein and all three have stated that the present petitioner, namely, Satpal had fired from his pistol and which shot had hit Ram Parshad on his back.

It has gone uncontroverted that the gun shot injuries, which were stated to have suffered by deceased Rohtash on his chest/abdomen have been attributed to Jaivir.

On a specific query having been put, learned State counsel would submit that no fire arm was recovered from the present petitioner and infact only recovery of *gandasi* was made.

This Court has further been apprised that after submission of supplementary challan on 26.08.2014, five prosecution witnesses still remained to be examined.

The petitioner has been in custody since 30.08.2013

In view the length of custody already suffered by the petitioner and coupled with the fact that no injury/gun shot has been attributed to the present petitioner insofar as the deceased Rohtash is concerned, the petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the trial Court.

It is, however, made clear that the observations contained in this order are confined only with regard to considering the prayer of the petitioner for grant of benefit of bail and would have no bearing on the merits of the trial.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.04.2015