

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

CRM-M No.36406 of 2015

Date of decision: 19th December, 2015

Kalia @ Jaswant Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana.

Mr. N.S. Shekhawat, Advocate
for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Learned State counsel has placed on record status report by way of affidavit of Bhagwan Dass, HPS, DSP, Headquarter, Hisar incorporating the number of cases being faced by the petitioner. The same is taken on record.

Allegations against the petitioner Kalia Gujjar @ Jaswant Singh in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.961 dated 30.12.2012 registered at Police Station Civil Lines, Hisar under Sections 302/307/148/149 IPC and Section 25 of the Arms Act, are that during the night of 30.12.2012, he along with 40 other accused all armed with various weapons including fire arms, had assaulted and attached house of the complainant Samunder.

It is contended on behalf of the petitioner by his counsel Mr.Pratham Sethi, Advocate that there is no specific role attributed to the petitioner and the only allegations are that he along with his co-accused had too fired at the house of the complainant.

Keeping in view the contentions that the petitioner is in custody for 1 year and 1 month and that similarly placed 37 co-accused have already been allowed bail vide different orders of different Benches of this Court and the fact that attributions even as per the contentions of learned State counsel are that the petitioner was instrumental in causing grievous injury on the legs of injured complainant by means of fire arm and that the very applicability of Section 307 IPC is a debatable issue and in the light of principle of parity coupled with the fact that the investigation and trial will take a long time to conclude, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case.

However, having regard to the fact that the petitioner had remained abscond, it would subserve the ends of justice if he is ordered to be released on regular bail subject to his furnishing heavy bail bonds and two surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Hisar.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 19, 2015
rps