

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

CRM No.M-39622 of 2014 (O&M)

Date of decision: 21.04.2015

Jagdish

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Surender Lamba, 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 injury. The injured in the alleged occurrence are Sandeep, Ram Parshad and Kuldeep.

Counsel for the petitioner has adverted to the deposition of Ram Parshad, one of the injured PW1, who has attributed a *gandasi* blow to

the present petitioner on the head of Sandeep. Counsel thereafter has referred to the deposition of Dr. Amit Kumar Saini, Prosecution Witness No.5, who has deposed in cross examination that Sandeep had not suffered any injury by a sharp edged weapon.

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.

The petitioner has been in custody since 20.06.2013.

Learned State counsel has apprised the Court that after the submission of supplementary challan on 26.08.2014, five prosecution witnesses still remained to be examined.

In the totality of circumstances and keeping in view the length of custody already suffered by the petitioner, he 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
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