

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

**CRM-M-40137 of 2015
Date of Decision: 11.12.2015**

Sube Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. V.K. Jindal, Sr. Advocate
Mr. Mandeep Sheoran, Advocate
for the petitioner.

Mr. M.K.Sangwan, DAG, Haryana.

Mr. Rahul Rathore, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 337 dated 17.6.2014 under Sections 148/149/341/302/307/212 IPC and Sections 27/30/54/59 of the Arms Act, registered at Police Station Assandh, Karnal.

Learned senior counsel for the petitioner submits that except the alleged presence of the petitioner at the time and place of occurrence, armed with a licenced gun, no attribution has been alleged against him. It is not even alleged against him that he fired from his licenced gun, nor any other injury has been attributed. He further submits that mere presence at the time and place of occurrence will not make the petitioner an accused for offence under

Section 302 IPC. Petitioner is inside the jail for more than 1 year and six months. Charge was framed as far back as on 24.3.2015, but only one PW has been examined so far. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Tej Pal, as well as learned counsel for the complainant submit that presence of petitioner, armed with a licenced gun, has been duly established at the time and place of occurrence. They further submit that it hardly matters whether the petitioner fired from his licenced gun or not. They also submit that all the accused were present at the spot and stopped motorcycle of the petitioner. One of the co-accused caused fatal injury to the deceased and grievous injury to the injured namely Vikas which has also been found dangerous to life. They would next contend that since petitioner is facing serious charges with the aid of Sections 148/149 IPC, he is not entitled for bail pending trial. They pray for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances obtaining in the case, noted hereinabove, petitioner has been found entitled for bail pending trial.

It is the common case of the parties that although petitioner was armed with licenced gun but he did not fire either on the deceased or on the injured. Not only the firearm injury but no other

injury has been attributed to the petitioner. He is inside the jail for the last more than 1 years and 6 months. It is also a matter of record that despite the fact that charges were framed as far back as in the month of March, 2015, yet only two PWs have been examined so far. No reasons are forthcoming for the slow pace of the trial and the conclusion of trial will take some time.

In view of the above and without commenting any further on merits of the case, lest it should prejudice the case of either side, at a later point of time, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

11.12.2015
Ak Sharma