

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

CRM No.M-41579 of 2014

Date of decision: 24.02.2015

Satender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajesh Garg, Sr. Advocate with
Mr. Virender Soni, Advocate for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana
assisted by ASI Harpal.

Jitendra Chauhan, J. (Oral)

This petition under Section 439 of the Code of Criminal Procedure is for grant of regular bail in case FIR No.262 dated 30.07.2012, registered under Sections 302, 307, 120-B, 34 IPC and Section 25 of the Arms Act, at Police Station Sadar, Rohtak.

It is contended that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by co-accused Vikas. No fire short injury is attributed to the petitioner. The learned counsel refers to the testimony of PW-3 and states that this witness was declared hostile and in his cross examination, he has specifically stated that the present petitioner had

not fired shots upon the deceased. The petitioner is in custody since 07.02.2013.

On the other hand, the learned State counsel opposes the prayer and submits that petitioner is the main accused who has fired the shot upon the deceased. The co-accused of the petitioner, namely Paras, Sandeep and Surender have already been declared as proclaimed offender on 23.02.2013. The gun from which the shot was fired belongs to co-accused Paras and the same is yet to be recovered.

The petitioner is the main accused who had fired shot upon the deceased after intercepting the deceased. Keeping in view the gravity of the offence and the key role of the petitioner, no case for the relief sought is made out.

Dismissed.

24.02.2015

sumit.k

(JITENDRA CHAUHAN)
JUDGE