

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1)

CRM-M No.43951 of 2014

Sonu @ Jat

.....Petitioner

Versus

State of Haryana

.....Respondent

(2)

CRM-M No.44208 of 2014

Anil @ Pawva

.....Petitioner

Versus

State of Haryana

.....Respondent

Date of Decision:08.01.2015

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Navneet Singh & Mr.Dalbir Singh, Advocates,
for the petitioner(s).**

**Mr.Pravindra Singh Chauhan, Additional Advocate
General, Haryana, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

As, identical points for consideration to grant the concession of regular bail to the petitioners or otherwise, are involved, therefore, I propose to decide the indicated criminal petitions, arising out of the same FIR/case, by means of this common order, to avoid the repetition of facts.

2. The petitioners have preferred the instant separate petitions for the grant of concession of regular bail, in a case registered against them along with their other co-accused, namely, Ram Niwas, Sandeep, Mogra @ Balwan and others, vide FIR No.32 dated 14.02.2014, on

accusation of having committed the offences punishable under Sections 148, 149, 506, 307, 452, 120-B IPC and Section 25 of The Arms Act, by the police of Police Station Siwani, District Bhiwani.

3. Notices of the petitions were issued to the State.

4. Having heard the learned counsel for the parties, having gone through the record with their valuable help and after bestowal of thoughts over the entire matter, to my mind, the present petitions for regular bail deserve to be accepted in this context.

5. The pith & substance of the prosecution version is that, on 13.02.2014, the petitioners along with their other 15-20 co-accused came to the spot, with the intention to take the possession of old Haveli of Seths. As soon as, Arun Kumar son of complainant-Baldev Singh came in the courtyard, in the meantime, main accused Mogra @ Balwan was stated to have fired a shot, which did not hit anybody. Even, no specific role is assigned to the petitioners in the FIR. Meaning thereby, it is a no injury case. In that eventuality, as to whether the offence punishable under Section 307 IPC is made out or the provision of vicarious liability, as contemplated under Section 149 IPC, is applicable to the case of the petitioners or not, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

6. Moreover, petitioner-Sonu @ Jat was arrested on 13.04.2014, whereas petitioner-Anil @ Pawva was arrested in this case on 15.07.2014. Since then they are in judicial custody and no useful purpose would be served to further detain them in jail. There is no

history of their previous involvement in any other criminal case. Since, not even a single witness has yet been examined by the prosecution, so, the conclusion of trial will naturally take a long time.

7. Not only that, Raw Niwas and Sandeep, similarly situated co-accused of the petitioners, were granted the concession of regular bail by means of order dated 24.09.2014(Annexure P-1) in CRM No.M-32301 of 2014 and order dated 10.11.2014(Annexure P-2) in CRM No.M-36507 of 2014, respectively, by this Court. Therefore, I see no reason not to extend the same benefit of regular bail to the present petitioners as well under the similar set of circumstances.

8. In the light of aforesaid reasons, taking into consideration the totality of facts & circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petitions for regular bail are hereby accepted. The petitioners are ordered to be released on bail on their furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petitions for regular bail.

January 08, 2015
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(MEHINDER SINGH SULLAR)
JUDGE