

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

CRM-M-907 of 2015
Date of decision: 30.4.2015

Kushal Pal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jaivir Yadav, Advocate for the petitioner.
Mr. Vikas Malik, Dy. Advocate General, Haryana.

Rajan Gupta, J. (oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Sections 302, 216 read with Section 34 IPC and 25 of the Arms Act at Police Station Badshahpur, District Gurgaon, vide FIR No.208 dated 11.06.2013.

Learned counsel for the petitioner submits that only role attributed to the petitioner in the FIR is that he exhorted other accused to commit the crime. He further submits that trial may take long time to conclude. No useful purpose will be served by detaining the petitioner during said period.

Learned State counsel has opposed the prayer. According to him, petitioner is named in the FIR. A gunshot was fired by co-accused which pierced the stomach of brother of the complainant and he died. According to him, petitioner was involved in 12 other cases. He is, thus, not entitled to concession of bail.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on a complaint being lodged by Ravi, brother of deceased Joginder. He stated that on the fateful day, his brother was having his meal near a general store at about 9.20 P.M. Complainant alongwith other persons was standing near a liquor vend. At that time accused came there. Accused saw his brother and went away. After some time, they came again. Accused Pardeep and Kushal Pal pointed towards brother of the complainant and exhorted co-accused Sunny alias Monu and Lala to fire at the deceased. Two shots were fired from country made pistols. As a result of the injuries Joginder alias Jonny died. During the course of hearing, learned counsel for the petitioner has pointed out that petitioner has been acquitted in all other cases pending against him except the present one.

Keeping in view serious nature of the allegations and antecedents of the petitioner, I am of the considered view that he is not entitled to bail. Besides, trial is at its crucial stage and prosecution evidence is being led.

Dismissed.

(RAJAN GUPTA)
JUDGE

30.4.2015
'Rajpal'