

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

CRM-M No. 10599 of 2016 (O&M)

Date of Decision: 16.05.2016

Surender alias Sunder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rahul Deswal, Advocate
for the petitioner.

Mr. Neeraj Poswal , Assistant Advocate General, Haryana
for the respondent/State assisted by SI Satbir.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the petitioner-accused-Surender alias Sunder in case FIR No. 341, dated 26.04.2015, for offences punishable under Sections 186, 353, 307 of the Indian Penal Code and Sections 25, 54, 59 of Arms Act, registered at Police Station Jhajjar, District Jhajjar.

Allegations against the petitioner-accused are that on a secret information he (petitioner) alongwith four other co-accused persons were intercepted, travelling in Scorpio. They are alleged to have fired at the police party. Three accused persons including the petitioner, namely, i.e. Manoj Kumar alias Monti, Shakti Singh alias Boda and Surender alias Sunder (petitioner herein) were apprehended at the spot. There is a recovery of country-made pistol from the petitioner and one live cartridge.

It is contended that a false case has been foisted upon the petitioner-accused because of his friendship with Ravidas alias Jaila,

who is involved in a murder case. It is next contended that it is a case of no injury and the petitioner is in custody since 26.04.2015, whereas none out of eighteen (18) cited prosecution witnesses has since been examined.

Learned State Counsel, assisted by SI Satbir does not dispute the custody period of the petitioner and that the fact that the evidence of cited eighteen prosecution witnesses is yet to commence.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner; and the fact that the evidence of cited eighteen prosecution witnesses is yet to commence, no useful purpose would be served by keeping the petitioner/accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

May 16, 2016

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**(JASWANT SINGH)
JUDGE**