

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-12609 of 2016 (O&M)
Date of Decision: 22.04.2016

Narender

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Pawan Kumar Hooda, Advocate for the petitioner.

Mr. Deepak K. Grewal, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.438 dated 6.9.2015 under sections 148, 149, 302, 120-B I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, Sadar Panipat, District Panipat.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the statement of Saddam in relation to an occurrence that took place on 6.9.2015. Deceased is Aszad i.e. nephew of the complainant. Complainant's version is that on 6.9.2015, he along with deceased Aszad, Mukrim and Imran were sitting in the fields and at about 11.30 A.M six boys came in two different cars i.e. Swift and Punto and they were indicating towards the land. Upon this Aszad (since deceased) went close to them and made inquiries upon which there was an exchange of hot words and two boys took out pistols and fired shots at Aszad and who succumbed to such fire arm injuries.

It so transpires that during the investigation one Dharampal was arrested on 29.9.2015 and who in turn disclosed names of his two sons

namely Krishan and Parsan and even a Punto car was recovered on his disclosure statement. Thereafter, on 30.9.2015 one Krishan was arrested and it is on the disclosure statement of Krishan that the present petitioner is sought to be implicated.

Petitioner was arrested on 27.10.2015.

During the course of arguments it has gone uncontroverted that even as per disclosure statement of Krishan the present petitioner was stated to be present at the spot of occurrence but no firing by a weapon has been attributed to him.

Learned State counsel has fairly stated that the main accused are Prasan son of Dharampal and Pardeep son of Suresh, who had allegedly resorted to firing and who are still on the run.

In view of the above and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Accordingly, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Panipat.

It is, however, clarified that the observations contained in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

22.04.2016
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