

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-1633 of 2016 (O&M)
Date of Decision: 27.01.2016

Sandeep @ Sonu

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Ms. Puja Chopra, Advocate for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

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TEJINDER SINGH DHINDSA.J.

Petitioner seeks the benefit of regular bail pending trial in case FIR No.185 dated 21.10.2014, under Sections 302/307/341/506/148/149 IPC and Sections 25/54/59 of the Arms Act (Sections 148, 149 deleted and Section 34 IPC added vide Supplementary report under Section 173(8) Cr. P.C.), registered at Police Station Salhawas, District Jhajjar.

Counsel for the parties have been heard.

The FIR was registered on the statement of Ranbir Singh. As per the complainant two occurrences took place on 21.10.2014. The first one is alleged to be at 6:00 am and whereby present petitioner along with co-accused had a dispute with the nephews of the complainant namely Rahul & Rohit.

In so far as such occurrence is concerned in the challan presented under Sections 173 Cr. P. C., Rahul and Rohit that the nephews of the complainant and who were stated to be present at the spot have not even been cited as witnesses. As such prosecution version, with regard to occurrence at 6:00 a.m. may be construed as hearsay based on the version as stated by Ranbir Singh complainant.

In so far as the second occurrence at 8:30 am is concerned Vijaypal is stated to have been shot in the chest and succumbed to such injury. Sandeep nephew of Ranbir is also stated to have suffered gun shot injuries. The specific attribution of firing of shots on the chest of Vijaypal as also on Sandeep (injured witness) is attributed to co-accused Amit son of Khazan Singh.

In so far as the present petitioner is concerned, no specific injury has been attributed to him. He is not even stated to be armed with a firearm.

The petitioner has been in custody since 29.10.2014. The trial is stated to be still at the initial stage and as such would take time to conclude. In view of the said circumstances noticed hereinabove, and the length of incarceration already suffered by the petitioner he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of CJM/Duty Magistrate, Jhajjar.

It is clarified that the observations contained above are only as regards considering the prayer of the petitioner for grant of regular bail and would have no bearings on the merits of the case.

Disposed of.

27.01.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**