

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

***CRM No.M-16969 of 2016 (O&M)
Date of Decision: 20.05.2016***

Sunil

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.229 dated 24.12.2015, under Sections 147/148/149/307/302/120-B IPC and Section 25 of the Arms Act, registered at Police Station Bawal, District Rewari.

Counsel for the parties have been heard.

FIR came to be registered at the instance of Rajender son of Raghbir Singh. Deceased is brother of the complainant, namely, Bijender @ Gulla. As per prosecution version, in the occurrence that took place on 24.12.2015, co-accused, namely, Neeru and Pawan had got hold of Bijender @ Gulla (since deceased) and Gabbar had fired shot upon him and which hit the deceased on the neck.

Name of the present petitioner does not even figure in the FIR.

Petitioner is sought to be implicated on the basis of a disclosure statement of one Chanderpal, who is stated to be an eye witness to the occurrence and is also been nominated as an accused. It has gone uncontroverted that even as per disclosure statement of Chanderpal, the role

attributed to the present petitioner is of having assisted him in procuring a country-made pistol.

The present petitioner is being roped in the present case with the aid of Section 120-B IPC.

Post mortem report of deceased, Bijender @ Gulla has been perused and in which the cause of death has been opined as fire arm injury suffered in the neck and which has been specifically attributed to co-accused, Gabbar.

Petitioner has faced incarceration since 14.02.2016.

Investigation in the case is complete and challan already stands presented.

Learned State counsel would submit that the trial is at the very initial stage as prosecution evidence is still to be led.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Rewari

Disposed of.

20.05.2016

shubham

**(TEJINDER SINGH DHINDSA)
JUDGE**