

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

***CRM No.M-19021 of 2016 (O&M)
Date of decision:03.06.2016***

Dharampal

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. P.K. Hooda, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.438 dated 06.09.2015, under Sections 148/149/302/120-B IPC and Sections 25/54/59 of the Arms Act registered at Police Station Sadar Panipat, District Panipat.

Counsel for the parties have been heard.

FIR 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 course of investigation, the

present petitioner was arrested on 30.09.2015 on the basis of extra judicial confession made by him and wherein he is alleged to have disclosed names of his two sons, namely, Krishan and Parsan and even a Punto car was recovered on his disclosure statement.

As per prosecution version, it is Parsan i.e. son of the present petitioner and one Pardeep who are the main accused and who had resorted to firing upon Aszad (since deceased).

The present petitioner is an Ex Serviceman aged 70 years.

During the course of arguments, it has gone uncontroverted that the Investigating Agency has itself found the petitioner not to be involved in the occurrence and the offence and even a discharge report dated 15.03.2016 by the Station House Officer, Police Station Sadar, Panipat has been filed.

In view of the facts and circumstances noticed hereinabove, the 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, Panipat.

Disposed of.

03.06.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**