

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

**CRM-M No.212 of 2016 (O&M)
Date of Decision: 03.03.2016**

Harvinder Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ashit Malik, Advocate for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by A.S.I. Rampal.

JASWANT SINGH, J. (Oral)

Present 2nd petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Harvinder Singh in case FIR No.46 dated 26.02.2015, under Sections 148, 149, 452, 302, 506, 120-B of the Indian Penal Code and Section 25 of the Arms Act, registered with Police Station Ladwa, District Kurukshetra.

As per the FIR, co-accused/non-applicant-Jaachak struck his motorcycle in the legs of the complainant, namely, Rupinder Singh and a quarrel took place and he gave the threat that his brother and his uncle Harvinder (petitioner herein) are 'Badmash' and they will teach him a lesson. On the same day at about 1.00 a.m., loud voices came from outside their house. On hearing the voices, they came out from the room and saw that in the courtyard, co-accused/non-applicant-Jabra was holding revolver in his hand and three-four young boys with muffled faces were with him. The complainant and his mother on seeing the revolver in the hand of accused Jabra had again closed the door of their room. Complainant's father, who was

in the other room, came out and when he was at the door of that room, accused Jabra straightway fired a shot on the chest of his father. After receiving the gun shot injury, complainant's father fell down there and while leaving the place, they were saying that they will not spare the whole family. It is also the case of the complainant that co-accused/non-applicants-Jaachak, Manjit Singh and Harvinder (petitioner herein) have got attacked their family from Jabra and his companions.

It is contended that taking the allegations on the face value, the role attributed to the present petitioner/accused-Harvinder Singh and co-accused/non-applicant-Manjit Singh is of conspirators, who has been enlarged on regular bail by this Court, vide order dated 10.12.2015 (**Annexure P-1**) and thus claims for parity of treatment.

Learned State Counsel, assisted by A.S.I. Rampal, does not refute the aforesaid factual contention.

Without commenting on the merits of the case, keeping in view the parity of treatment, custody period and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

March 03, 2016
Gagan

(JASWANT SINGH)
JUDGE