

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

**CRM-M No.2321 of 2016 (O&M)
Date of Decision: 29.01.2016**

Sandeep

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Aman Pal, Advocate for the petitioner.

Mr. Satish Saini, Deputy Advocate General, Haryana
for the respondent/State assisted by S.I. Jai Narain.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner in case FIR No.338 dated 15.09.2014 for the offences punishable under Sections 302, 307, 216, 506, 34 of the Indian Penal Code and Sections 25/54/59 of the Arms Act, registered with Police Station Pehowa, District Kurukshetra (**Annexure P-1**).

As per the version of injured-complainant Gurmel Singh, non applicant/co-accused Ramphal was keeping a grudge against the complainant for having been restrained from unauthorisedly selling liquor in the command area of the liquor vend of the complainant, due to which on the day of occurrence on 14.09.2014 at 8.30 PM while the complainant and his companion-Gian Chand (since deceased) were going on their motor-cycle, they were waylaid by accused Ramphal, Manoj and Dhola and two other unidentified persons. The accused party by striking their motor-cycle against the motor-cycle of the complainant party brought it down and thereafter non applicant-Ramphal is alleged to have fired shots injuring the complainant and causing death of Gian Chand.

It is contended that the present accused Sandeep was neither named in the FIR nor was identified by the complainant at the time of occurrence nor in the Court as per his testimony as PW-1 in the trial (placed on record as **Annexure P-2**). The name of the petitioner had surfaced in the statement of co-accused/non-applicant Ramphal with the role that the petitioner was pillion-rider of the motorcycle, owned and driven by co-accused/non-applicant Aman Kumar, which blocked the motorcycle of the complainant party, which otherwise is not admissible in evidence. Apart from that, recovery of one country made pistol with alive cartridges has been shown against the petitioner, which concededly was not used in the offence.

It is further submitted that aforesaid alone would not be sufficient to show the complicity of the petitioner in the present offence. It is further submitted that the petitioner is in custody since 20.10.2014. It is further submitted that co-accused/non-applicant Aman Kumar, who also has not been identified by the complainant, has since been granted regular bail by this Court, vide order dated 22.01.2016.

Learned State Counsel, assisted by S.I. Jai Narain, does not dispute the custody period and the fact that co-accused Aman Kumar has been granted bail by this Court.

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, Kurukshetra.

Disposed of.

January 29, 2016

Gagan

(JASWANT SINGH)
JUDGE