

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

**CRM-M No.2573 of 2016 (O&M)
Date of Decision: 29.01.2016**

Suresh Kumar

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajesh Bansal, Advocate for the petitioner.

Mr. Satish Saini, Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Richpal.

Mr. Rahul Vats, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner in case FIR No.337 dated 17.06.2014, under Sections 148, 149, 341, 302, 307, 212 of the Indian Penal Code and Sections 27/30/54/59 of the Arms Act, registered with Police Station Assandh, District Karnal (**Annexure P-1**).

As per the eye-witness account of Ishwar Singh, on the day of occurrence i.e. 17.06.2014 at around 8:00 AM, accused Ajmer, Sube Singh, Jasbir and Monu were armed with *Revolver/Gun/Pistols*, respectively. Rest of them were attributed other weapons like *Axe, Gandasi, Danda* etc. The main accused Ajmer is attributed three shots from his *Revolver*, two hit Satbir and one Vikas, resulting into the death of Satbir. Co-accused Jasmer also attributed a *Jelly* blow on the shoulder of the deceased-Satbir.

It is submitted that although the petitioner is alleged to have armed with a *Gandasi* but is attributed no overt act on the complainant party.

It is next contended that Sube Singh, who was armed with a *Gun*, is attributed no overt act and had undergone almost one year and six months as an under-trial, has since been granted regular bail by this Court, vide order dated 11.12.2015 (**Annexure P-3**).

The petitioner is stated to be in custody since 18.06.2014 and also undergone more than one year and six months of custody. It is also pointed out that only 01 out of 26 prosecution witnesses has since been examined.

Learned State Counsel, assisted by ASI Richpal, does not refute the aforesaid factual position.

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 Karnal.

Disposed of.

January 29, 2016

Gagan

**(JASWANT SINGH)
JUDGE**