

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

**CRM-M No.2582 of 2016 (O&M)
Date of Decision: 09.05.2016**

Sandeep

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajesh Garg, Senior Advocate assisted by
Mr. Virender Soni, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State assisted by A.S.I. Samunder Singh.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Sandeep in case FIR No.194 dated 21.05.2013, under Sections 148, 149, 332, 353, 186, 201, 307, 120-B of the Indian Penal Code (for short 'IPC') and Sections 29, 27, 54, 59 of the Arms Act, registered with Police Station Shivaji Colony, Rohtak District Rohtak.

On the day of occurrence i.e. 21.05.2013, 12 accused, armed with deadly weapons, are alleged to have gathered in the office of Balaji Properties and making preparation for committing the murder of Naresh @ Kala, a contestant for the election to the Municipal Corporation, Rohtak. Upon secret information, the said office was raided and the accused party is alleged to have fired upon the police party from their respective weapons. One Constable-Satish suffered a fire arm injury on his leg. Three accused, namely, Dinesh @ Nesha, Anil and petitioner/accused-Sandeep were chased and apprehended at the spot and recoveries of their weapons were effected while remaining 09 are alleged to have fled away.

It is a conceded position that out of 12 accused, 06 named accused have since been released on regular bail, 03 have been declared proclaimed offenders, one Ravi Pal is stated to have died and only 02 including the petitioner/accused remain in custody.

It is stated that the petitioner is in custody for almost three years and as on date, only 15 out of 47 prosecution witnesses have been examined. It is next contended that out of 05 cases in which the petitioner/accused was involved, he has been acquitted in four and is on bail in one under Sections 323, 324, IPC. It is then contended that similarly placed co-accused Dinesh @ Nesha was enlarged on bail, pursuant to the order dated 12.12.2014 (**Annexure P-6**). The remaining PWs are officials of the police department and as such, there is no threat to influence them.

Learned State Counsel, assisted by ASI Samunder Singh, admits the custody period, role attributed, stage of the trial and bail granted to the similarly placed co-accused Dinesh @ Nesha.

Without commenting on the merits of the case, keeping in view the parity of treatment, custody period and the fact that trial is not likely to be concluded in near future, 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.

May 09, 2016
Gagan

(JASWANT SINGH)
JUDGE