

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

**CRM-M No. 2602 of 2016 (O&M)
Date of Decision: 29.01.2016**

Jai Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. R.S. Rai, Sr. Advocate assisted by
Mr. Deepinder Brar, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana
for the respondent/State assisted by ASI Balraj.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the petitioner in case FIR No. 592, dated 30.09.2013, for offences punishable under Sections 148, 149, 307, 186, 120-B of the India Penal Code read with Section 25 of the Arms Act, 1959, registered at Police Station Civil Lines, Rohtak.

As per prosecution case, when complainant-Krishan and his brother-Naresh alongwith other prisoners were being transported from the Court Complex to the jail premises, they were intercepted and shot at by a group of assailants, namely, Amit @ Monu, Himmat @ Pihya, Sandeep @ Toru, Kismat @ Raldu, Sandeep @ Sethi, Somdutt @ Sonu. The bullets are alleged to have injured-Naresh and two other prisoners Ajay and Rajesh. The name of the petitioner-Jai Singh alongwith non-applicant/co-accused-Bijender has surfaced in the investigation on the

statement of injured-Naresh recorded under Section 161 Cr.P.C., as also on disclosure statement of co-accused/non-applicants-Somdutt @ Sonu and Amit @ Monu. The petitioner is alleged to be the main conspirator as the complainant-Krishan and injured-Naresh were facing trial for the murder of Surender(nephew of the present petitioner).

It is contended that the petitioner is in custody since 27.04.2015 and five of the aforesaid co-accused, namely, Amit @ Monu, Himmat @ Pihya, Sandeep @ Toru, Kismat @ Raldu, Bijender have since been admitted to bail by the orders passed by this Court vide Annexure P-4 (collectively). It is further submitted that only three witnesses, out of forty witnesses have since been examined.

Learned State Counsel, assisted by ASI Balraj is unable to refute the aforesaid factual situation.

Without commenting on the merits of the case, keeping in view the facts noticed above; parity of treatment and custody period of the petitioner, no useful purpose would be served by keeping the petitioner/accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate, Rohtak.

January 29, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**