

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

CRM-M-32918-2016 (O&M)

Date of decision : 21.10.2016

Devender Singh @ Billu

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana,
assisted by ASI Ajaib Singh.

JITENDRA CHAUHAN, J.

The petitioner seeks concession of regular bail under Section 439 of the Code of Criminal Procedure, in FIR No.429 dated 28.05.2016, registered under Sections 279, 336 and 307 of the Indian Penal Code (for short, 'the IPC') and Section 25 of the Arms Act, at P.S. Sadar Karnal.

Contentends that the petitioner is a sitting Sarpanch. He has been falsely implicated at the behest of Sheoram, who allegedly gave gun shot injury in the abdomen of the petitioner on 13.05.2015. The petitioner was confined to ICU and he was discharged after 45 days of hospitalization. FIR No.252 dated 13.05.2015, was recorded at the behest of the petitioner against said Sheoram, wherein, in the cross-version, the petitioner was admitted to bail under Section 438 Cr.P.C. The petitioner is stated to have been occupying the co-driver's seat and allegedly a gun shot has been attributed to him.

On the other hand, learned State counsel, on instructions, states that the petitioner broke the barricade laid by the police on receipt of secret information and fired on the police party. The country-made pistol and the empty have also been recovered. He further states that the petitioner is involved in as many as six FIRs including the present one. However, on instructions, he clarifies that out of those six FIRs, the petitioner has been acquitted in four FIRs, whereas, the fifth one is FIR No.252 (ibid). Learned State counsel further states that the challan stands presented but the charges have not yet been framed. The prosecution has cited 16 prosecution witnesses.

Heard.

The petitioner is in custody since 28.05.2016. It is a case of no injury. All the prosecution witnesses are police officials. The trial is yet to commence as the charges have not been framed so far, therefore, it can safely be inferred that the conclusion of trial may take time.

In view of the above, without adverting to the merits of the case, the instant petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Illaq Magistrate concerned.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court, on the merits of the case.

21.10.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No