

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

CRM-M No. 32128 of 2015 (O&M)

Date of Decision: 26.04.2016

Somdutt

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Balraj Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the petitioner/accused-Somdutt in case FIR No. 592, dated 30.09.2013, for offences punishable under Sections 148, 149, 307, 186, 120-B of the Indian Penal Code and Sections 25, 54, 59 of Arms Act, registered at Police Station Civil Line, Rohtak, District Rohtak.

Complainant-Krishan and his brother Naresh are facing trial in a case under Section 302 Indian Penal Code and on the day of occurrence i.e. 30.09.2013 while being shifted back from the Court premises to the jail complex alongwith other under trials, were intercepted by a group of named accused persons and indiscriminately fired upon. The firing resulted into injuries upon aforesaid Naresh and other under trials, namely, Ajay and Rajesh.

It is contended that the petitioner-accused and the complainant belong to the same village and still he was not named in

the FIR, although, as per the investigation, it is the petitioner-accused only who is alleged to have fired all the shots. It is further contended that the petitioner is in custody since 14.10.2013 and the trial has been commenced *de novo*. It is next submitted that all the other named co-accused persons have since been enlarged on bail.

Learned State Counsel, assisted by ASI Balraj Singh, does not dispute the attributed role as well as custody period of the petitioner as also the stage of trial. He further submits that co-accused persons have since been granted regular bail by this Court.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner; parity of treatment and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

April 26, 2016

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**(JASWANT SINGH)
JUDGE**