

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

CRM-M No. 3790 of 2016 (O&M)

Date of Decision: 16.05.2016

Maman Ram

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

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

Mr. Ranvir Singh Arya, Advocate
for the complainant.

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-Maman Ram in case FIR No. 337, dated 17.06.2014, for offences punishable under Sections 148, 149, 341, 302, 307, 212 of the Indian Penal Code and Sections 27/30/54/59 of Arms Act, registered at Assandh, District Karnal.

As per the eye-witness account of Ishwar Singh, on the day of occurrence i.e. 17.06.2014 at around 8:00 a.m., accused persons, namely, 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. 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 contended that the petitioner-accused is 65 years' old age person and has been roped in being the family member (uncle) of the main accused-Ajmer, even otherwise, the petitioner-accused is attributed a *lalkara* and no other over act in spite of allegedly being armed a *Bhala*. It is next contended that the petitioner is in custody since 20.06.2014 and rest of the co-accused persons, except main accused-Ajmer, have since been enlarged on regular bail. It is also pointed out that in spite of order dated 10.02.2016, passed by this Court, the testimony of one of the witnesses, namely, Jaipal, still remains to be concluded, as he is refusing to appear.

Learned counsel for the complainant opposes the grant of bail to the petitioner.

Learned State Counsel, assisted by ASI Richpal Singh, does not dispute the custody period of the petitioner, role attributed to the petitioner and that the evidence of Jaipal still has not been concluded. He further states that only four witnesses out of twenty-seven (27) prosecution witnesses have been examined. He also does not dispute the fact that the rest of the co-accused persons, except main accused-Ajmer, have since been enlarged on regular bail.

Without commenting on the merits of the case, keeping in view the facts noticed above; parity of treatment; custody period of the petitioner and role attributed to 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 concerned.

May 16, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE