

CRM No. M-39016 of 2016 (O&M)
DECIDED ON: NOVEMBER 16, 2016

CHANDERPAL @ DHAMAL

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Sarfraj Hussain, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Neeraj Yadav, Advocate
for the complainant.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure, petitioner has sought the benefit of regular bail pending trial in case FIR No.229, dated 24.12.2015, under Sections 147, 148, 149, 307, 302, 120-B IPC and Section 25 of the Arms Act, 1959, Police Station Bawal, District Rewari.

2. The instant case stands registered at the instance of Rajender son of Raghbir Singh, brother of deceased namely, Bijender @ Gulla. As per the contents of FIR, the occurrence took place on 24.12.2015, in which, co-accused of the petitioner namely, Neeru and Pawan allegedly caught hold of Bijender @ Gulla (since deceased) whereas Gabbar, their co-accused fired a shot upon him, which resulted into infliction of injury on the neck of the deceased and proved fatal.

3. The name of petitioner did not figure in the FIR. However, when one of the witnesses namely Manish appeared as PW-1, he has ascribed a role to petitioner that when he tried to save his uncle Bijender @ Gulla from the clutches of the accused, Gabbar shouted and asked other assailants to catch hold of him. It was only, thereafter, the petitioner and his cronies namely Dhamal, Pardeep and Sanjay caught hold of him and accused-Gabbar shot at him with his firearm, which hit on the left side of his chest. At the first instance, when FIR was got registered by Rajinder, brother of the deceased, no role has been attributed to the petitioner. It is also an undisputed fact that the co-accused of the petitioner namely Sunil and Pardeep, have already been granted the concession of bail by this Court vide orders dated 20.05.2016 and 20.09.2016 passed in **CRM-M-16969-2016 and CRM-M-31598 of 2016**. The petitioner is also suffering incarceration since 25.12.2015. Moreover, after the completion of investigation, challan has already been presented and trial court is seisin of the matter. The disposal of the trial is also not likely in the near future and would certainly take sufficient time. On the doctrine of parity, petitioner also deserves the concession of bail.

4. Taking into consideration all the aforesaid aspects but without expressing any opinion on the merits of the case, petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial court/Duty Magistrate.

NOVEMBER 16, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reasonable: Yes/No