

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

**CRM-M No.39092 of 2015 (O&M)
Date of Decision: 30.05.2016**

Surender @ Sinder

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. D.P.S.Bajwa, Advocate for the petitioner.

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

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-Surender @ Sinder in case FIR No.97 dated 08.06.2015 for the offences punishable under Sections 323, 393, 34 of the Indian Penal Code (Sections 304, 398, 120-B, IPC added later on) and Section 25 of the Arms Act, registered with Police Station Uchana, District Jind.

As per the allegations, on 07.06.2015 at about 8/08:15 PM, when complainant-Phool Singh was present in his petrol pump, three accused, namely, Prince, Ashish and Krishan on a motorcycle came there and out of them, two pointed their pistols upon the temple of Vijay, Salesman and also overpowered him. One accused threatened him to produce the entire cash amount while giving slap blows. Another accused inflicted *butt* blow of the pistol on his head and thereafter fired a bullet shot, which hit accidentally to another assailant/accused-Prince, who was looting the cash. Thereafter, both the accused Ashish and Krishan fled away from there on their motorcycle. On the death of the injured/assailant-Prince, Section 304, IPC was also added.

The role attributed to the petitioner is of a conspirator and along with co-accused/non-applicants Amit and Sunil were outside the petrol pump in Alto Car for surveillance purposes with country made pistols while the other three accused had gone inside for looting purpose.

On 11.06.2015, petitioner was arrested and on his disclosure statement, a live cartridge of 315 bore was got recovered.

Learned State Counsel, assisted by ASI Kulwant Singh, submits that after completion of the investigation, challan stands presented and evidence of 27 cited prosecution witnesses is yet to commence. He, however, submits that keeping in view the nature of offence, petitioner is not entitled to the concession of bail.

At this stage, learned Counsel for the petitioner/accused wishes to withdraw the present petition.

Dismissed as withdrawn.

May 30, 2016

Gagan

**(JASWANT SINGH)
JUDGE**