

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

**CRM-M No.39730 of 2015 (O&M)
Date of Decision: 14.03.2016**

Deva @ Devender

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Pardeep Goyal, Advocate for the petitioner.

Mr. Kuldip Tiwari, Additional Advocate General, Haryana
for the respondent/State assisted by ASI Gajender Singh.

Mr. S.K.Tripathi, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-Deva @ Devender in case FIR No.207 dated 30.06.2013, under Sections 148, 149, 323, 324, 307, 302 of the Indian Penal Code and Sections 25, 54 of 1959 Arms Act, registered with Police Station Sadar Ballabgarh.

The dispute had occurred as the accused party was trying to take possession of the shamlat land situated outside the house of the complainant-Rajender Singh while main accused Monu is alleged to have fired and shot dead Vijay (nephew of the complainant) while the present petitioner-Deva @ Devender armed with a *country made pistol* is alleged to have fired upon injured-Gajender.

It is submitted that three co-accused/non-applicants, namely, Manohar, Bhola @ Vinod and Sonu @ Satender have since been granted regular bail vide orders at Annexures P-9, P-10 and P-11, respectively.

The petitioner is stated to be in custody since 26.07.2013, therefore, prayer for grant of bail on parity of treatment and delay in trial.

Learned Counsel for the complainant submits that case of the petitioner is not similarly situated than of the aforesaid accused Manohar, Bhola and Sonu, who were allegedly armed either with *Sword* or *Ballam* and were attributed simple injuries to the other injured persons. He further submits that the present petitioner by inflicting a gun shot injury on left hand of the Gajender had tried to lodge a cross case, which on investigation, was found to be false.

Learned State Counsel, assisted by ASI Gajender Singh, submits that keeping in view the weapon attributed to the petitioner and his role, he is not entitled to the concession of bail.

Keeping in view the weapon used by the petitioner and nature and gravity of the alleged offence, no case for grant of regular bail is made out.

Accordingly, the present petition is dismissed.

March 14, 2016
Gagan

(JASWANT SINGH)
JUDGE