

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

CRM No. M-43260 of 2016 (O&M)
DECIDED ON: DECEMBER 13, 2016

SANJAY

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

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

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J. (Oral)

CRM No. 37971 of 2016

Application is allowed, as prayed for.

CRM No. M-43260 of 2016

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.

Undoubtedly, 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. It is also an undisputed fact that the co-accused of the petitioner namely Sunil, Pardeep and Chanderpal @ Dhamal, have already been granted the concession of bail by this Court vide orders dated 20.05.2016, 20.09.2016 and 16.11.2016 passed in **CRM-M-16969-2016, CRM-M-31598 of 2016 and CRM-M-39016 of 2016**. The petitioner is also suffering incarceration since 22.12.2015. 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.

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.

DECEMBER 13, 2016
sham

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*