

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

**CRM No. M-44526 of 2016**

Date of decision:- December 21, 2016

**SURJIT**

**....PETITIONER..**

**VS.**

**STATE OF HARYANA**

**....RESPONDENT..**

**CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH**

Present:- Mr. Sanjiv Kumar Aggarwal, Advocate,  
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

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**JASPAL SINGH, J. (Oral)**

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure (for short, "Cr.P.C."), petitioner has sought concession of bail during pendency of trial, in case FIR No.410, dated 17.11.2014, under Sections 399, 392, 120-B IPC and Section 25 of the Arms Act, Police Station City Dabwali, District Sirsa.

2. Concededly, the name of the petitioner did not figure in the FIR as one of assailants but subsequently, he was nominated as one of the accused in pursuance of the disclosure statement suffered by his co-accused Salim Khan. It is also an undisputed fact that earlier the petitioner was declared proclaimed offender and later on, he was arrested in this case on 15.05.2016. It was only thereafter, supplementary challan was presented. After the presentation of supplementary challan, no single witness has so far been examined by the prosecution. Otherwise also, all the 5 co-accused of

the petitioner namely Salim Khan, Krishan Kumar, Anil @ Lala, Raghbir @ Rang and Satpal @ Pala have already been granted the concession of bail. The case of the petitioner is not on different footings than that of his co-accused. Disposal of challan is also not likely in the near future especially keeping in view the fact that not even a single witness has been examined so far. Thus, this Court is of the considered view that it would not be desirable to keep the petitioner behind the bars for an indefinite period.

4. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, the 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 21, 2016**  
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**(JASPAL SINGH)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No