

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

**CRM-M No.43950 of 2015 (O&M)
Date of Decision: 13.01.2016**

Ram Niwas

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mz. Priyanka Dalal, Advocate for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by A.S.I. Bhagat Singh.

JASWANT SINGH, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.428 dated 26.11.2013, under Sections 307, 420, 120-B of the Indian Penal Code and Sections 25/54/59 of the Arms Act, registered with Police Station Sadar Rohtak (**Annexure P-1**).

As per the prosecution version, there was a land dispute between the complainant-Guddi wd/o late Sh. Amarpal with Babita the other widow of late Sh. Amarpal.

On the day of occurrence i.e. 26.11.2013, three motorcycle borne assailants fired towards her son-Dharmender, who received gun-shot injuries in his abdomen and forearm.

During the course of investigation, on the disclosure statement of non-applicant/accused-Babita, the name of the non-applicant/accused Parveen surfaced as one, who had fired shots at Dharmender, however, the involvement of the petitioner/accused-Ram Niwas was stated to be on account of a conspiracy and that on the day of occurrence, accused-Babita accompanied by present petitioner/accused-Ram Niwas had fled away towards Gohana.

It is contended that except the disclosure statement of the co-accused Babita made before the police, there is no other evidence indicating the complicity of the present petitioner, apart from the fact that the said statement is not admissible in evidence. It is next submitted that the petitioner is in custody since 20.01.2014 and the trial is not likely to be concluded in near future.

Learned State Counsel, assisted by A.S.I. Bhagat Singh, submits that 15 including the material witnesses out of total 29 prosecution witnesses have been examined.

Without commenting on the merits of the case, keeping in view the role attributed, custody period and the facts as noticed above, this Court finds that petitioner/accused-Ram Niwas deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

January 13, 2016
Gagan

(JASWANT SINGH)
JUDGE