

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

CRM-M No.43973 of 2015 (O&M)

Date of Decision: 13.01.2016

Arvind Sharma @ Honey

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Viney Saini, Advocate for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-Arvind Sharma @ Honey in case FIR No.28 dated 17.01.2015 for the offences punishable under Sections 302, 303, 34 & 120-B of the Indian Penal Code and Sections 25/54/59 of the Arms Act, registered with Police Station Mahesh Nagar, District Ambala, Haryana.

As per the case of the prosecution, deceased-Gajender Singh was shot dead at the gate of his house for non fulfilling the extortion demand of Rs.2 lacs made by the main accused-Kuldeep Singh @ Kallu. On the fateful night of 16.01.2015 at about 8:30/9:00 PM, petitioner/accused-Arvind Sharma @ Honey and non-applicant/co-accused-Saurabh are stated to have ferried the co-accused Kallu and Hardeep @ Monu to the house of Gajender Singh and whereupon they shot dead Gajender Singh.

As per the allegations surfaced during the investigation, the role attributed to the present petitioner is of conspiracy and accompanying the main accused Kallu to the house of Gajender Singh before the occurrence on the fateful night.

It is contended that the petitioner is in custody since 28.01.2015 and some of the non-applicants/co-accused have been granted bail by this Court.

Learned State Counsel submits that other co-accused, who have been granted bail, were arrayed as accused for the role of hatching a conspiracy and one of them, namely, Mohit Garg @ Mangu had pointed out the house of the Gajender Singh before the occurrence whereas the petitioner/accused was throughout present with the main accused at the time, he shot Gajender Singh, therefore, he cannot claim any parity of treatment.

Keeping in view the active role of the petitioner/accused, no case for grant of regular bail is made out.

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

Dismissed as withdrawn.

January 13, 2016
Gagan

(JASWANT SINGH)
JUDGE