

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

**CRM-M No.5745 of 2016 (O&M)
Date of Decision: 06.05.2016**

Rajender Kumar @ Babbu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Paramjit Singh Jammu, Advocate for the petitioner.

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

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Rajender Kumar @ Babbu in case FIR No.386 dated 20.04.2014, under Sections 307, 149, 120-B of the Indian Penal Code and Sections 25/54/59 of the Arms Act, registered with Police Station City Sirsa, District Sirsa (**Annexure P-1**).

As per the allegations surfacing in the investigations, the injured-Ashish Sharma was inflicted a *Kappa* blow on his head by the petitioner/accused-Rajender Kumar @ Babbu whereas co-accused/non-applicant Pawan Kumar, who is none else than the *Jija* of the injured-Ashish Sharma, is alleged to have inflicted another blow with *Kappa* on his head and also fired a shot from his pistol, which hit on the right side of Ashish Sharma. Three other unknown young persons, sitting in the Car, are alleged to have given slaps and fist blows to the injured-Ashish Sharma.

It is contended that the petitioner is in custody since 28.08.2015 and the main accused Pawan Kumar has been granted bail vide order dated 20.11.2015 (**Annexure P-3**). It is further submitted that the injured-Ashish Sharma (PW-1), in his testimony, has stated that the petitioner/accused is not one of those, who have caused injuries to him.

Learned State Counsel, assisted by ASI Rajender Singh, does not refute the custody period but submits that the petitioner had earlier being declared a proclaimed offender and could never be arrested on 27.08.2015. He, however, does not dispute the grant of bail to the principal accused-Pawan Kumar, as also injured-Ashish Sharma resiling from his earlier version.

Without commenting on the merits of the case, keeping in view the parity of treatment, custody period and the facts as noticed above, this Court finds that petitioner/accused 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.

May 06, 2016
Gagan

(JASWANT SINGH)
JUDGE