

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

CRM-M No. 8387 of 2016 (O&M)

Date of Decision: 05.04.2016

Sanjay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Mansur Ali.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the accused/petitioner-Sanjay in DDR No. 19 dated 15.05.2015, which is cross-version in case FIR No. 252, dated 13.05.2015, for offences punishable under Sections 148, 149, 323, 307, 506, Indian Penal Code and Sections 25, 54, 59 of Arms Act, registered at Police Station Assandh, District Karnal.

On the day of occurrence on 13.05.2015 in a meeting by two group by villagers over a dispute regarding allotment of plots to the *Harijans* during the tenure of Devender Singh alias Billu, Sarpanch, a firing incident between the two parties occurred.

Devender Singh alias Billu, Sarpanch (who received gun shot injuries), is the brother of the present petitioner-Sanjay and his

other brother Balwant. lodged the version case recorded as FIR No. 252 dated 13.05.2015, for offences under Sections 148/149/307/323/506, Indian Penal Code and Section 25 of the Arms Act against four persons, namely, Sheo Ram, Risala, Prithi and Rajinder, all sons of Ram Chander.

Aforesaid accused party thereafter lodged the present cross-version recorded by way of the aforesaid FIR with the allegations that Sheo Ram was fired upon by the accused persons, namely, Devender Singh alias Billu, Sarpanch, Balwant, Sanjay and Kaptan from their country made pistols. Said Sheo Ram is alleged to have received gun shot injury on his right knee and right forearm.

It is contended that the petitioner-accused has owned up the gun shot injury on the right forearm of the Sheo Ram. It is further contended that the petitioner is in custody since 06.11.2015 and after completion of the investigation, challan stands presented and the evidence of twenty-three (23) cited prosecution witnesses is yet to commence. It is further submitted that the accused on the other side all have been released on bail.

Learned State Counsel, assisted by ASI Mansur Ali, does not refute the aforesaid factual situation.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner and the fact that the trial is not likely to be concluded in near future, 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 Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

April 05, 2016

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**(JASWANT SINGH)
JUDGE**