

**Sr. No.226
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No.M-9309 of 2016 (O&M)

Date of Decision: 27.04.2016

Kuldeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. A.S.Sullar, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

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TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.237 dated 09.09.2013, under Sections 302, 34 of Indian Penal Code and Section 25 of Arms Act, registered at Police Station Sonapat, District Sonapat, Haryana.

Counsel for the parties have been heard.

FIR was registered on the statement of Mukesh in relation to an occurrence that took place on 08.09.2013. Deceased is Manoj @ Mangal i.e. brother of the complainant.

Complainant stated that on 08.09.2013 in the evening when he along with his brother Manoj and Ved Parkash were coming back from the fields then at about 8.30 p.m. they were accosted by Raju Son of Lokh Ram and his brother Kuldeep @ Kala (present

petitioner). Specific allegation is against Raju having taken out a pistol from the right side of his pant and having fired directly upon Manoj. Insofar as the present petitioner is concerned, the role attributed is of having caught hold of complainant himself. Motive attributed is that an altercation had taken place on two three times earlier between Manoj and Raju Son of Lokh Ram i.e. main accused.

Petitioner was arrested on 10.09.2013.

Learned State counsel upon instructions from ASI Krishan Singh would apprise the Court that out of 22 prosecution witnesses cited 08 have been examined till date. The trial as such would take time to conclude.

During the course of arguments, counsel for the petitioner has even adverted to the deposition of the complainant, namely, Mukesh as also eye-witness Ved Parkash and who in their cross-examination have not supported the prosecution version.

In view of the above and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sonapat.

Disposed of.

27.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**