

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-10863 of 2017 (O&M)
Date of Decision: 06.04.2017

Sudhir

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.94 dated 26.03.2015 under sections 148, 149, 341, 302, 307, 216 I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, Sadar Narnaul, District Mahendergarh.

Learned counsel for the parties have been heard.

It is a case of version and cross-version. FIR in question came to be registered on the statement of Ishwar Singh in relation to an occurrence that took place on 26.3.2015. Deceased is Azad i.e. son of the complainant.

Azad is stated to have succumbed to gun shot injuries. As per initial version of the complainant, name of the present petitioner does not even figure. It so transpires that in the supplementary statement recorded of the complainant the present petitioner has been named and is alleged to be part of the unlawful assembly and to be present with other co-accused in a Scorpio vehicle. That apart, as per prosecution version, there is even disclosure statement of the petitioner himself and as per which he was

armed with an iron rod.

It is not even the case of the prosecution that the petitioner was armed with a weapon or that any recovery has been effected from him.

Petitioner has faced incarceration since 8.6.2015.

It is not the case made out on behalf of the State that the petitioner, if, granted concession of bail would be in a position to interfere in the course of a free and fair trial.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Narnaul.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

06.04.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No