

Sr. No.221

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

CRM No. M- 11932 of 2017 (O&M)

Date of Decision:19.04.2017

Krishan Kumar

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Aman Pal, Advocate
for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

The petitioner seeks grant of regular bail pending trial in FIR No.163 dated 13.05.2016 under Sections 302, 120-B, 212 of IPC and Section 25 of Arms Act, registered at Police Station Sadar Sonipat, District Sonipat.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Ranbir. Allegations are in relation to an occurrence that took place on 12.05.2016 and in which brother of the complainant Jagbir and his nephew Anil lost their lives.

Even as per prosecution version, main accused are Ajay @ Kannu and Neetu s/o Pappu.

As per prosecution version, the occurrence has taken place on account of a rivalry rising out of election having been contested.

The name of the present petitioner does not even figure in the main FIR. Petitioner is sought to be implicated on the strength of a disclosure statement of co-accused Rakesh @ Kala. Even as per disclosure statement of co-accused Rakesh @ Kala role assigned to the petitioner is of having supplied a pistol and

₹17,000/- to the main accused.

It is the contention raised by counsel for the petitioner that the prosecution version as regards implicating the present petitioner would be falsified as the election in question which formed the motive of the attack on the two deceased took place on 16.01.2016 and whereas the petitioner on the relevant date was in custody in another FIR bearing No.245 dated 17.06.2013 under Section 420, 467, 468, 471 and 120 B IPC and in which he had been granted benefit of regular bail by this Court in the light of order dated 27.01.2016 in CRM-M-40688 of 2015.

Petitioner has faced incarceration since 20.06.2016.

Investigation is complete and the charges have been framed.

The trial is stated to be at the very initial stage.

Without making any observation on merit, the petitioner is held entitled to the benefit of regular bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Sonipat.

Disposed of.

19.04.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned : *Yes*
Whether Reportable : *No*