

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

CRM-M-15183-2017 (O&M)

Date of Decision: 12.05.2017

Shekhar

... Petitioner

Versus

The State of Haryana

... Respondent

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

Present:- Mr. Rahul Deswal, Advocate for the petitioner

Mr. Deepak K. Grewal, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.250, dated 17.06.2015, under Sections 323/307/506/34 IPC (Section 302 IPC and Sections 25/54/59 of the Arms Act added subsequently), registered at Police Station Rajendra Park, Gurgaon.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Jaibir in relation to an occurrence that took place on 15.06.2015. Allegations are that while the complainant along with his cousin Pardeep (since deceased) were proceeding in a car, they were attacked by four occupants on an another black colour verna car and out of which two were specifically named as Devinder @ Bantu, Madan @ Moni. Devender @ Bantu was stated to be armed with a pistol whereas the other assailants were stated to have baseball bats and *dandas* in their hands. Allegations are that four assailants collectively attacked Pardeep.

Initially, FIR was registered under Sections 323/506/307/34 IPC but subsequently, Pardeep having expired on 02.08.2016, offence under Section 302 IPC was added and supplementary challan was filed.

Name of the present petitioner does not figure in the FIR.

Learned State counsel, who is on instructions from ASI Ashok Kumar would submit that as per prosecution version the present petitioner was present on the spot even though no specific injury/overt act has been attributed.

During the course of hearing today, counsel for the petitioner has adverted to the testimony of Jaibir, material eye witness and who has not supported the prosecution version and has not even identified the present petitioner.

Petitioner has faced incarceration since 21.03.2016. Trial shall take time to conclude. Co-accused, Vikas Rathi and who was similarly placed has been granted benefit of regular bail by this Court in the light of order dated 19.04.2017.

In view of the above, without making any observations on merits 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 trial Court/Duty Magistrate, Gurgaon.

Disposed of.

12.05.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |