

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-15233 of 2017 (O&M)
Date of Decision: 25.05.2017

Samey Singh

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Balraj Gujjar, 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 F.I.R. No.94 dated 26.3.2015 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. The cross-version has been recorded at the instance of the present petitioner for an offence under section 307 I.P.C.

FIR came to be registered on the statement of Ishwar 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 a gun shot injury. 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 a disclosure statement of the petitioner himself and in which also it is nowhere stated that the petitioner was armed.

It is not even the case of the prosecution that any recovery of firearm has been effected from him.

Petitioner has faced incarceration since 8.4.2015.

Co-accused Sudhir and who was similarly situated has been granted benefit of bail in the light of order dated 6.4.2017, passed in CRM No. M-10863 of 2017.

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

25.05.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No