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

**CRM-M No.2477 of 2017
Date of Decision: 31.01.2017**

ANNU @ ARUN

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.P. Chahar, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.528 dated 10.08.2015, registered under Sections 148, 149, 307, 302, 120-B IPC and Section 25/54/59 of the Arms Act at Police Station Sadar Bahadurgarh, District Jhajjar.

FIR was registered on the statement of Basant @ Bannu, who reported that he and his brother Darshan @ Kala have constructed shops in their house on the outer road. One shop was being used as office and another was being used as tea stall. The tea stall was being run jointly by the complainant and his brother Darshan @ Kala. On 10.08.2015 at about 8.00

p.m. the complainant and his brother were sitting in the shop and one Jagat son of Harpal came to the shop for buying something. In the meanwhile, one white colour car make i-20 came in front of their shop. The driver of the car kept on sitting in the car, whereas four boys alighted from the car duly armed with weapons. Two of them were identified to be Parvesh @ Totu and Dinesh by the complainant. Others were not identified. They started firing at Jagat. Brother of the complainant Darshan @ Kala tried to intervene, then Parvesh @ Totu and Dinesh fired upon him as well. Both the injured were removed to hospital. Jagat succumbed to the injuries, whereas brother of the complainant was treated in the hospital.

Learned counsel for the petitioner stated that the name of the petitioner appeared only on account of disclosure statement made by Parvesh @ Totu. The vehicle in question was recovered from Parvesh @ Totu. Petitioner was not identified by the complainant in the Court, rather Parvesh @ Totu and Dinesh were identified by the complainant. Dharam Singh and Sunil co-accused were identified by the brother of the complainant while appearing as PW-3. No test identification parade was conducted, even the complainant and his brother did not identify the petitioner in the Court.

Learned State counsel on instructions from SI Zora

Singh submitted that out of 31 witnesses, 2 witnesses have been examined.

Prima facie, perusal of statements of PW-2 Basant and PW-3 Darshan did not implicate the petitioner, however without commenting upon merits of the case at this stage, I am of the view that the petitioner, who is in custody since 05.10.2015 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 31, 2017.

Atik

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No