

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

1. CRM-M-26468-2017

Sandeep @ Deepa

..... Petitioner

Versus

State of Haryana

..... Respondent

2. CRM-M-27336-2017

Narinder Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

Date of decision : 04.08.2017

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr. Saurabh Sharma, Advocate
for the petitioners in both petitions.

Mr. Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Vide this order, I shall dispose of two petitions for grant of regular bail filed by Narinder Kumar, **CRM-M-27336-2017** and Sandeep @ Deepa, **CRM-M-26468-2017** both of them being accused in FIR No.374 dated 20.04.2017 for offences under Sections 148, 149, 307, 427, 506 IPC

and Section 25 of the Arms Act registered with Police Station Thanesar, District Kurukshetra.

Mr. Narinder Singh Dhillon, Advocate puts in appearance on behalf of the complainant by filing memo of appearance, which is taken on record.

In nutshell, the facts of the case are that complainant Om Parkash son of Rameshwar Dutt, resident of Darra Khera had reported the matter to police of Police Station Thanesar that on 20.4.2017 at about 5:30 p.m., Sukhbir along with Ram Kumar, Sanjeev, Chirag, father of Chirag, Kulwant, Deepu (Body builder), Sahil Khan, Jalandhar, Balwan and Sarpanch of village Sandir and 70-80 persons while armed with deadly weapons like *lathis*, *dandas* and swords tried to take possession of vacant *shamlat* land from him and in the process, gun shots were fired. However, when they offered resistance by throwing brickbats, the assailants ran away. On the basis of said statement, formal FIR was registered.

It is submitted by learned counsel for the petitioners that accused-Narinder Kumar and Sandeep @ Deepa were arrested in this case on 03.06.2017 and presently they are in judicial custody. Both the petitioners are not named in the FIR and no specific role has been attributed to them. It is further stated that co-accused of the petitioners namely Sunil Kumar, **CRM-M-24930-2017**; Mehardeen @ Sahil Khan and Ravinder Alia Binda, **CRM-M-18682-2017**; Sandeep @ Dipu, **CRM-M-21937 of 2017**; Sawaran Singh, **CRM-M-22645-2017** have been granted pre-arrest bail by this Court vide order dated 02.08.2017 and his co-accused-Hardeep Singh

@ Kalu in **CRM-M-25727-2017** was granted regular bail by this Court vide order dated 02.08.2017.

I have heard learned counsel for the petitioners and learned State counsel assisted by Sh. N.S. Dhillon, learned counsel for the complainant and have gone through the record.

Although FIR in this case has been registered under Section 307 IPC, besides, other Sections of IPC but fortunately there was no injury to any person and in that way no causality was there. Although the complainant is relying upon a video clip recorded on a compact disc to show participation of the petitioners in the incident, but then from the video clip, it is difficult to identify the assailants and furthermore its authenticity is yet to be established.

Keeping in view the fact that petitioners are not named in the FIR and no specific role has been attributed to them, Petitioners-Narinder Kumar and Sandeep @ Deepa are in judicial custody since 03.06.2017 and no recovery is to be effected from them. Moreover, conclusion of trial in the case of will take long time and their guilt shall be established during the trial. Hence no useful purpose will be served by keeping them behind the bars any more. Therefore, in view of the abovesaid circumstances, petitions are accepted. Petitioner-Narinder Kumar and Sandeep @ Deepa are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court / CJM / Duty Magistrate, Kurukshetra.

It is clarified that in addition to such terms and conditions the learned trial Court / CJM / Duty Magistrate, Kurukshetra accepting requisite bonds may impose any conditions which it found proper and appropriate.

It is further clarified that in case such petitioners are found to be indulging in any criminal activity again, then the prosecution shall be entitled to move an application seeking cancellation of their bail.

04.08.2017
Gaurav Sorot

(H.S. MADAAN)
JUDGE

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**