

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

**CRM-M-28374-2017 (O&M)
Date of decision: - 16.8.2017**

Sandeep**.....Petitioner****versus****State of Haryana****.....Respondent****CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: - Mr. Sandeep Gahlawat, Advocate for the petitioner.

Mr. Naveen Kaushik, Addl. AG, Haryana.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition under Section 439 Cr. P.C. for grant of regular bail to the petitioner in case FIR No. 273 dated 14.11.2016 under Sections 148, 149, 302, 34 IPC and Sections 25/54/59 of the Arms Act (Sections 341 & 120-B IPC added later on) registered at Police Station Hassanpur, District Palwal, Haryana.

Learned counsel for the petitioner submits that as per FIR dated 14.11.2016, complainant- Inder Mohan who is the real brother of deceased- Budhvir has stated that Bintu son of Ram Parkash came with a rifle in his hands and fired shot which hit the deceased Budhvir on his chest. He further submits that Sachin son of Jasbir, Sonu son of Sant Raj Bilochpur, Kuldeep Sardar and his son Bhajji, Babbar Singh Sardar are also named in the FIR.

It is further submitted by learned counsel for the petitioner that on seeing these persons, complainant and others rescued themselves by hiding. He further submits that during the investigation three persons namely Sachin son of Jasbir, Sonu son of Sant Raj Bilochpur and Kuldeep Sardar were found innocent and challan under Section 173 Cr. P.C. was submitted against these persons on

Learned counsel for the petitioner further submits that when co-accused namely Gurpreet @ Bhajji son of Kuldeep Sardar was arrested on his disclosure statement that petitioner was involved in this case with the allegation that petitioner was also occupant of the car at the time of commission of the crime. He further submits that no recovery was effected from the petitioner and a country made weapon was received from the co-accused namely Sandeep son of Prithavi.

It is further submitted by learned counsel for the petitioner that co-accused/Sukhvinder @ Sukha has already been granted concession of bail by the Additional Sessions Judge, Palwal vide order dated 26.5.2017.

Learned State counsel, on instructions from SI Brahm Pal, submits that subsequent to submission of challan, on the basis of report of DSP, Palwal dated 19.5.2017, even the co-accused/Bintu has been declared innocent.

In view of above submissions made by learned counsel for the petitioner and in view of the fact that conclusion of the trial will take long time, present petition is allowed. Petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

16.8.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No