

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

CRM-M No. 32578 of 2017

DATE OF DECISION :- November 15, 2017

Sanjay @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Ashwani Nagra, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

The brief 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 20.04.2017 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 brick bats, the assailants ran away. On the basis of the said statement, formal F.I.R. was registered.

Accused Sanjay @ Kala was arrested in this case on 22.7.2017 and he is in judicial custody since then. He had moved an application for regular bail in the Court of Sessions but it was dismissed by Additional

Sessions Judge, Kurukshetra vide order dated 24.8.2017. As such he has approached this Court praying for grant of similar relief. Notice of the petition was given to the State.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has submitted that neither the petitioner is named in the F.I.R. nor any specific role has been attributed to him. He has been involved on the basis of disclosure statement made by one Sunil Kumar and as such Sunil Kumar has since been granted pre arrest bail. Many of the co-accused of the present petitioner namely Mehardeen @ Sahil Kahn, Sandeep @ Dipu, Sawarn Singh etc. have been granted pre arrest/regular bail, therefore petition be allowed.

Learned state counsel has though opposed the request vehemently but I find that keeping in view the facts and circumstances of the case, the petition deserves to be allowed accordingly. The petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Kurukshetra. In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

November 15, 2017

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No