

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

CRM No. M-45489 of 2016 (O&M)

Date of Decision: 07.02.2017

Surender @ Chiku

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Ms. Baljit Mann, Advocate for the petitioner.

Mr. C.S. Bakhshi, Additional Advocate General, Haryana.

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.94, dated 26.03.2015, under Sections 148/149/307/120-B IPC and Section 25/54/59 of the Arms Act, registered at Police Station Narnaul, District Mahendergarh.

Counsel for the parties have been heard at length.

FIR No.94 dated 26.03.2015 came to be registered on the statement of Ishwar Singh. It was asserted by the complainant that in the year 2012 one Dr. Kuldeep and his associates had fired in the house of Vikram Sarpanch and the matter was pending in the Court of Additional Sessions Judge, Narnaul for prosecution evidence. On the date of alleged incident i.e. on 26.03.2015, one Babbu @ Bablu was to be produced for recording of evidence but Dr. Kuldeep and other co-accused did not reach the Court in time. Son of the complainant, namely, Azad Singh is stated to have accompanied Babbu @ Bablu to the Court. Precise allegation is

that since evidence could not be recorded and Babbu @ Bablu along with Azad Singh were returning home and during the afternoon hours, Dr. Kuldip and his associates fired a number of shots and one bullet hit Azad on the left eye and he succumbed to the injury. Apparently, 13 days after such alleged occurrence, a cross version has been got recorded at the instance of Samay Singh-injured and in which the present petitioner has been nominated as an accused.

Petitioner was arrested on 01.10.2015.

Learned counsel appearing for the petitioner has referred to the deposition of Samay Singh who already stands examined in Court and whereby he has not even identified the present petitioner.

Co-accused, Virender @ Pattu and against whom there were similar allegations has been granted benefit of regular bail.

As per prosecution, the only basis on which the present petitioner is sought to be implicated is his own disclosure statement recorded in a different FIR.

Even though the present petition has been opposed by learned State counsel by submitting that the petitioner is involved in as many as 13 other cases but an affidavit of the Superintendent of Police, Mahendergarh filed in Court today would reflect that in 10 of the cases, the petitioner has already earned acquittal. In FIR No.42 dated 04.02.2014, under Sections 302/307/452/120-B/34 IPC and Section 25/54/59 of the Arms Act, registered at Police Station Mahendergarh, the petitioner has been granted concession of bail by this Court.

In the totality of circumstances and without making any

observations on merit, the petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail to the satisfaction of the trial Court/Duty Magistrate, Narnaul and subject to his not being shown as arrested in any other case.

Disposed of.

07.02.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |