

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M No. 17849 of 2018(O&M)

Date of decision: 4.5.2018

KALA @ KALU

.....petitioner

Versus

STATE OF HARYANA

.....respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. R.K.Rana, Advocate
for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 7 dated 18.2.2016, registered under Sections 307/ 332/ 353/ 186/ 216/ 201 and 120-B IPC, Section 11-D of the Prevention of Cruelty to Animals Act, 1960, Section 13 (2) of the Gau Sanrakshan Samvardhan Act, 2015 and Sections 25/54/ 59 of the Arms Act, 1959 at P.S. Jhansa District Kurukshetra.

The FIR was registered against unknown persons. Name of the petitioner came to be disclosed by co-accused Mohseen @ Bhura @ Mohammad, when he was produced on production warrant. Mohseen was arrested and was

interrogated in FIR No. 323/16 under Sections 18/20 of the NDPS Act, FIR No. 324 under Sections 25/54/59 of the Arms Act and FIR No. 258/16 under Sections 147, 148, 149, 504, 506, 307 IPC registered at Police Station Gangoh District Saharanpur.

Mohseen was tried in the present case. He was granted regular bail by this Court in CRM-M No.701 of 2017 on 18.1.2017. Thereafter, he was acquitted of the charges except the offence under Section 11 of the Prevention of Cruelty to Animals Act, 1960 and was sentenced for a period of three days. Co-accused Aslam was sentenced for simple imprisonment for a period of one month besides sentencing him under Section 25 of the Arms Act.

Petitioner was taken on production warrant and trial qua him is pending. The allegations are that the petitioner along with co-accused opened fire upon complainant Jagmal Singh, Block Forest Officer and the police party with country made pistols on 18.2.2016 with an intention to kill them and obstructed them from performing their official duties. Petitioner is also involved in other cases.

Learned State counsel, on instructions from ASI Jaswinder Singh, stated that out of 40 prosecution witnesses only 10 witnesses have been examined. The next date fixed

before the trial Court is 28.5.2018.

Learned counsel for the petitioner submitted that co-accused Aslam filed Criminal Appeal bearing No.S-1247-SB of 2018 in which his sentence has already been suspended vide order dated 26.3.2018.

Looking to the complicity of the petitioner vis-a-vis role played by the co-accused, I deem it appropriate to grant benefit of regular bail to the petitioner.

Accordingly, this petition is allowed. Let the petitioner 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.

May 04, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No