

Sr. No.212

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

CRM No. M-2719 of 2018 (O&M)

Date of Decision: 23.04.2018

Ajay @ Sehwag

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. A.P.S.Mann, Advocate,
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks regular bail pending trial in case FIR No.320 dated 10.08.2016, under Sections 147, 148, 302, 120-B read with Section 149 of IPC and Sections 25/54/59 of Arms Act, registered at Police Station Sadar, Dadri.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Girjapati in relation to an occurrence dated 10.08.2016. Deceased is Khilaw Chand i.e. brother of the complainant.

As per complainant's version, he along with his brother Khilaw Chand (since deceased) had gone to pay obeisance at particular mandir and were about to return then Pardeep, Satish, Sethi, Kohlad and 3-4 other unnamed persons came present armed with pistols and resorted to firing.

Khilaw Chand is stated to have received 7/8 firearm

injuries and to which he succumbed.

Present petitioner was not named by the complainant.

Petitioner has been implicated on the strength of a disclosure statement by one co-accused Rahul @ Bhole. Even as per such disclosure statement, the role attributed to the petitioner was that he was present at the time of occurrence and was standing outside guarding the temple.

Even as per prosecution version, there is no attribution of firearm injury to the present petitioner on the person of the deceased.

Petitioner was arrested on 09.11.2016.

No recovery of firearm has been effected from the petitioner.

Counsel representing the petitioner has adverted to the proceedings of the trial Court and which would indicate that in spite of summons having been issued to complainant Girjapati and who would be seen as a material eye witness, such summons have been returned unserved.

Trial is at the very initial stage and would take time to conclude.

The evidentiary value of a disclosure statement suffered by co-accused Rahul @ Bhole would be an aspect to be dealt with by the trial Court.

Without making any observations on merits and keeping in view the length of incarceration already suffered, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate concerned.

Petition disposed of.

23.04.2018
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No