

CRM-M-31634 of 2017

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

**CRM No. M-31634 of 2017 (O&M)
Date of Decision : 06.03.2018**

Ajit Pehlwan

..... Petitioner

Versus

State of Haryana

..... Respondent

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

Present : Mr. Hemant Bassi, Advocate for the petitioner.

Mr. Ashish Yadav, Addl. A. G., Haryana.

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner seeks concession of regular bail pending trial in FIR No. 626 dated 21.11.2014, under Sections 307/120B/34 IPC and 25 of Arms Act registered at Police Station Narnaund, District Hisar (Annexure P-1).

Counsel for the parties have been heard.

FIR was registered on the statement of Jaibir in relation to an alleged occurrence dated 19.11.2014. As per complainant he was fired upon by unknown assailants and suffered the fire Arm injury on his chest on the right side.

It has gone uncontroverted that the present petitioner has been arraigned as accused on the basis of disclosure statement of one Kuldeep Singh who had already been arrested in a different FIR.

As per such disclosure, present petitioner was the master mind

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and the offence has been committed at the behest of the petitioner.

Kuldeep Singh co-accused as per disclosure has provided the Fire Arm to Sumit and who in turn fired upon Jaibir.

Petitioner is sought to be implicated on the strength of Section 120B of IPC and the date of arrest of petitioner in the present case has been shown as 14.06.2016.

Trial proceedings are stated to have been stayed on account of proceedings initiated by co-accused Kuldeep Singh who is claiming protection under ***The Juvenile Justice(Care and protection of Children) Act, 2015.***

Even though prayer for bail is vehemently opposed by State Counsel on the ground that the petitioner is a history sheeter and is involved in number of other criminal proceedings, yet this Court cannot proceed unmindful of the fact that the petitioner has faced incarceration in the present case for a period of almost one year and nine months and trial is not proceeding further on account of certain interim directions.

In the totally of circumstances and without making any observation on merits petitioner is held entitled to the bail.

Petitioner be enlarged on bail subject to the satisfaction of Trial Court provided he is not required to be in custody in some other case.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

March 06, 2018
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No