

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

**CRM-M-36712-2018 (O&M)
Date of Decision: 29.10.2018**

Satish

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Sandeep K. Sharma, Advocate
for the petitioner.

Mr. Neeraj Poswal, A.A.G. Haryana.

Mr. P.K.S. Phoolka, Advocate
for the complainant.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for regular bail under the provision of Section 439 Cr.P.C in case FIR No.75 dated 09.03.2018 registered under Sections 302/148/149/120-B IPC and Section 25/54/59 Arms Act at Police Station Sahlawas District Jhajjar.

2. Learned counsel for the petitioner submitted that petitioner's role in the alleged incident of firing by co-accused/Mahesh to the deceased Ram Kumar is only to the limited extent of exchanging of hot words by Mahesh, Satish with the deceased Ram Kumar and further Satish had handed over licenced revolver to Mahesh while dancing on DJ in a marriage function of one Mandeep brother of Sandeep. Sandeep, Mahesh, Satish and Ram Kumar who are all colleagues and working in Janta College, Charki Dadri. Learned counsel for the petitioner submitted that having regard to the role played by the petitioner in the alleged incident, he is entitled to regular bail having regard to the fact that charges have been framed.

3. On the other hand, learned State counsel on instructions from ASI Sanjay Kumar as well as learned counsel for the complainant submitted that petitioner's role has been stated in FIR to the extent of exchanging of hot words by Mahesh and Satish with the deceased Ram Kumar which has been stated by the complainant Vinod Kumar in his initial version before the deceased was shot down by Mahesh. There was a conspiracy to kill the deceased Ram Kumar by the petitioner as well as Mahesh. Petitioner allowed Mahesh to keep his revolver from which it is evident that he wants to kill the deceased. Therefore, petitioner has not made out a case for

regular bail.

4. Heard learned counsel for the parties.

5. Having regard to the petitioner's role relating to shot down to the deceased Ram Kumar is only to the extent of exchanging hot words with the deceased read with the licence holder of the gun which has been used by the co-accused Mahesh. Since petitioner has not fired the gun shot on the deceased Ram Kumar and the fact that charges have been framed and conclusion of trial would take more time. Therefore, petitioner is entitled to bail. Hence, without commenting any opinion on the merit of case, petitioner-Satish is ordered to be released on bail on his furnishing requisite bail/surety bonds to the entire satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

6. Petitioner shall not in any way indulge in any criminal activities and he shall also not influence the witnesses or otherwise interfere with the fair trial.

7. Petition is allowed accordingly.

29.10.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**