

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

Hemlata
2018.02.09 16:18
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CRM-M-4481-2018(O&M)

Date of decision:09.02.2018

Rajinderveer Singh @ Dippi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bikramjeet Singh Jatana, Advocate, for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.16, dated 25.04.2017, under Sections 147, 148, 149, 323, 285, 304, 506, 120-B IPC and Section 25 of Arms Act, registered at Police Station GRP Sirsa.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR but has been named as an accused on the disclosure statement of the co-accused Gaggi Gadrana and Lambi. He further submits that even as per disclosure statements, the petitioner was empty handed and there is no allegation, he has caused any injury. Counsel for the petitioner further submits that the other co-accused i.e. Badal Singh and Kuldeep @ Nikka have already been granted concession of regular bail vide order dated 03.10.2017 passed in CRM-M-36298 of 2017 and vide order dated 01.11.2017 passed in CRM-M-37543 of 2017. It is further submitted that even as per the prosecution case, in a fight between two groups, a gun shot was fired by co-accused Gurrinder Singh @ Gora, which has resulted in death of a passerby namely Ram Swaroop. It is also submitted that the petitioner is in judicial lock up since 23.05.2017 and

challan has already been presented.

Learned State counsel, on instructions from ASI Sunder Pal, has not disputed the factual position and has submitted that charges are yet to be framed.

As per custody certificate, filed in Court today, the petitioner has undergone 08 months and 14 days of actual sentence and in the another FIR No. 238 dated 29.08.2016, he stands acquitted.

Without commenting on the merits of the case, considering the fact that the petitioner was not named in the FIR; he is in judicial lock up since 23.08.2017; challan has already been presented; charges are yet to be framed and also in view of the fact that the other co-accused Badal Singh and Kuldeep @ Nikka have already been granted concession of regular bail; the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail /surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, Sirsa.

09.02.2018

Hemlata

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No