

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

CRM-M-5704-2018 (O&M)

Date of decision:13.03.2018

Kavinder

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. Shiva Khurmi, Advocate for
 Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.463, dated 15.07.2015, under Sections 148/149/302/307/120-B IPC and Sections 25/27 of the Arms Act, registered at Police Station DLF Qutab Enclave, District Gurgaon.

Counsel for the parties have been heard at length.

FIR came to be registered on the statement of Ramesh Yadav son of Lilu Ram in relation to an alleged occurrence dated 15.07.2015. Complainant asserted that on the date in question in the morning hours, he was proceeding in his Santa Fe car along with driver Hans Raj and his cousin, namely, Het Ram son of Gajraj. Suddenly, an auto came in front of the car and whereupon 4/5 unknown assailants started firing from the front. Driver with the complainant, namely, Hans Raj was struck on the head. Complainant thereupon opened the door of the car and fled away. However, the car of the complainant having crossed the driver struck against an auto

coming from the other side. One auto driver in such incident is also stated to have suffered a gun shot and died. Complainant raised a finger of suspicion against one Narender Bhambi with whom there had been a previous quarrel/altercation.

Petitioner was arrested on 09.10.2015.

During the course of trial, complainant, Ramesh Yadav (PW1), a material witnesses i.e. Het Ram (PW2) and Hans Raj (PW3) have been examined and have not supported the prosecution version.

It has also gone uncontroverted that co-accused, namely, Sandeep Kumar @ Dhola, Hari Ram @ Mintu, Sandeep @ Dabbu and Narender Bhambi have been granted benefit of bail.

Petitioner has already faced incarceration for a period of almost 2 ½ years.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed.

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

Disposed of.

13.03.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |