

Sr. No.215

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

CRM No. M-6918 of 2018 (O&M)

Date of Decision: 23.04.2018

Sandeep @ Kala

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Jitender Nara, Advocate,
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks concession of regular bail pending trial in case FIR No.116 dated 21.02.2016 under Sections 148/149/186/188/302/307/323/326/395/397/435/436/449 IPC and Sections 25/54/59 of Arms Act, registered at Police Station Jhajjar, District Jhajjar.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Dr. Sunil Saini in relation to an occurrence dated 21.02.2016. As per complainant's version a mob of 400-500 persons armed with weapons like lathis, dandas, farsas, guns etc. launched and attacked on a Saini Colony on account of being agitated as regards issue of reservation. Two persons, namely, Krishan and Sham are stated to have been killed by the mob and 11 other residents of the colony suffered injuries.

Prosecution case is that there was a CCTV footage of the occurrence and in which presence of the petitioner was captured with a 'farsa' in his hand.

It is a case where in a mob attack only two persons i.e.

present petitioner and co-accused Raj Singh have been nominated as an accused.

It has gone uncontroverted that two material prosecution witnesses i.e. PW-8 Hemant son of Sham and PW-9 Devinder son of Krishan have already been examined before the trial Court and have not supported the prosecution version.

Even the complainant Dr. Sunil Saini has deposed before the trial Court.

Court has been informed that 75 prosecution witnesses have been cited and out of which only 17 have been examined till date.

Trial as such would take time to conclude.

Petitioner has faced incarceration since 29.04.2016.

In view of the above and without making any observations on merits and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petition is allowed.

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

Disposed of.

23.04.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No