

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-19270 of 2019
Date of Decision: 16.10.2019

Surender

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gautam Dutt, Advocate
for Mr. Vishal Yadav, Advocate
for the petitioner.

Ms. Dimple Jain, A.A.G. Haryana.

Mr. Arshdeep Bhullar, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.516 dated 03.10.2015 registered for offences punishable under Sections 302, 307, 34, 212 and 120-B of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Ganaur, District Sonapat.

Heard.

As per case of prosecution, the incident took place on 03.10.2015, when complainant alongwith Sajjan Pal, Sandeep, Rakesh, Birender, Ram Kumar, Rameshwar and Balbir, all residents of village Panchi Jatan, were returning to their houses after campaigning for Sajjan Pal, who was candidate for the post of *sarpanch*. At about 10.30 p.m., they reached in front of house of Ramphal, where accused, namely, Sushil @ Sheela, Sunil @ Ullu and Naresh @ Bandri were sitting while *sarpanch*

Surender (petitioner) and both his sons were standing near them. The petitioner exhorted to kill Sajjan Pal at which all the accused accompanying him fired at complainant and his companions. Sajjan Pal received 5-6 bullet injuries while Ram Kumar suffered a bullet shot on the neck. Sajjan Pal died in the incident. The petitioner was initially declared proclaimed offender and was arrested on 06.09.2017.

Learned State counsel submits that only seven out of 55 witnesses have been examined so far. One son of the petitioner has not been arrested and was declared proclaimed offender.

Learned counsel for the complainant submits that the complainant and injured-Ram Kumar have already appeared before the trial Court and deposed. The delay in trial has taken place as all the accused were not produced in Court on each date fixed before the trial Court. The other two eye-witnesses, cited by the prosecution, are yet to be examined and there is apprehension that petitioner may prevail upon them being an influential person.

Learned counsel for the petitioner submits that against complainant there are 18 criminal cases registered at various police stations.

Without expressing any opinion on merits of the case and keeping in view the fact that role attributed to petitioner in the occurrence is that he had raised *lalkara*; he was not armed with any weapon at the time of occurrence and recovery of any weapon has not been effected from him; he is in custody for the last more than two years and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Surender is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial

Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

October 16, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No