

209

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20879-2019

Date of decision-06.09.2019

Sandeep @ Kala

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Virender Soni, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
ASI Subhash Chand.

MANOJ BAJAJ, J.

Petitioner-Sandeep @ Kala has prayed for grant of regular bail in case FIR No.163 dated 18.04.2016 registered under Sections 148, 212, 216, 307 and 452 read with Section 149 of Indian Penal Code, 1860 and Sections 25, 54 and 59 of Arms Act at Police Station Safidon, District Jind.

The FIR was registered on the statement of Narender Pal @ Banti wherein he has stated that on 17.04.2016 when he was sitting along with Shispal, Chakarwari, Sonu, Deepak and Anil in open space inside his premises, then at about 4.30 p.m., Jita accompanying 7-8 persons who were armed with weapons entered the house and said that Ashok Mandi wants to meet him. On inquiry by complainant, co-accused of the petitioner started abusing them and fired indiscriminately. When the complainant and his companions raised alarm, then all assailants ran away. The gun shot hit

Shish Pal, Chakarwarti, Anil and Deepak.

Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor any weapon was recovered from him after his arrest by the Police during investigation. It is contended that the petitioner is in custody since his arrest on 24.02.2017. It is pointed out that the complainant, namely, Narender Pal @ Banti and the other injured, namely, Anil @ Mangu and Chakarvarti have been examined who have not supported the prosecution case. He further contends that in all there are 54 witnesses and only 17 have been examined so far and the trial is likely to take considerable time. According to him, the material witnesses have been examined by the prosecution.

On the other hand, learned State counsel assisted by ASI Subhash Chand opposed the bail application on the ground that the petitioner is involved in number of cases of similar nature and the detail is contained in the custody certificate. However, it is not disputed that three material witnesses have not supported the case against the petitioner. He fairly submits that weapon of crime allegedly used by the petitioner was also not recovered from him, however, he is not aware about the deposition of another injured, namely, Shish Pal.

Considering the above background, custody period of the petitioner and the fact that the trial of the case is likely to consume more time, this Court does not find any valid reason to detain the petitioner any further in custody. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular

bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Jind.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

06.09.2019

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No