

S. No.216

2023:PHHC:135426

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

CRM-M-42240 of 2023

Date of Decision:17.10.2023

Sobh Ram

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ashit Malik, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

**Mr. Rakesh Kumar Lathwal, Advocate for the
complainant.**

DEEPAK GUPTA, J. (Oral)

Petitioner prays for grant of regular bail in case FIR No.432 dated 24.09.2020 registered under Sections 307, 34, 506, 452, 326 IPC and under Sections 25 and 27 of Arms Act, 1959 at Police Station Kharkhoda, District Sonapat.

Status report by way of affidavit of Shri Jeet Singh, HPS, Assistant Commissioner of police, Kharkhoda/ Crime, Sonipat has been filed on behalf of the respondent- State along with the custody certificate. Copy supplied.

Power of Attorney has been filed on behalf of the complainant.

Accordingly to prosecution allegations, on 24.09.2020, as complainant Sombir had gone for taking milk from a shop, petitioner Sobh Ram along with one Bijender started abusing him. Complainant returned to his house but both of them i.e. petitioner and Bijender started running after him. Complainant took shelter in the house of one Umed. Rajbir closed the gate. However, both the assailants broke the door and fired thrice towards him

(complainant). His brother Rajbir and cousin Ravi suffered pellet injuries. Petitioner then followed Ramesh on his motor-cycle and extended threats to him. In the meantime, Madan, brother of petitioner also reached the spot and extended threats to kill them. It was alleged that petitioner and Bijender had fired at them with an intention to kill them. It was also disclosed that in the year 2017, complainant's brother Ashok and Ombir had been murdered and that their dead bodies had been burnt by the accused and because of this reason, assailants had fired upon them.

It is contended by learned counsel that similarly placed co-accused Bijender has already been allowed bail by a co-ordinate Bench of this Court vide order dated 14.09.2023 passed in CRM-M-29333 of 2022. Learned counsel further submits that petitioner is in custody for the last more than three years. Though it is stated by learned counsel that petitioner is facing trial in one more case under Section 302 IPC but submits that on the ground of parity, he deserves to be allowed bail as trial may take time to conclude.

Learned State Counsel has opposed the bail petition by pointing out towards the role attributed to the petitioner inasmuch as he along with co-accused Bijender fired shots at the complainant Party. However, it is not disputed by learned State Counsel and also by counsel for the complainant that case of the petitioner is on same footing as that of co-accused Bijender and that said Bijender has already been allowed bail by a co-ordinate Bench of this Court vide order dated 14.09.2023 in CRM-M-29333 of 2022.

Custody certificate placed on record reveals that petitioner is in custody for the last 03 years and 13 days. He is facing trial in one more case,

bearing FIR No.125 of 2018 registered at Police Staton Kharkhoda, Sonipat under Sections 120-B, 148, 149, 302, 364 IPC.

Status report also reveals that case is presently fixed for prosecution evidence. In the order dated 14.09.2023 passed in CRM-M-29333 of 2022, whereby co-accused was allowed bail, it was noticed that out of 31 witnesses cited by the prosecution, 18 had been examined and the trial was likely to take long time to conclude.

Having regard to all the afore-said facts and circumstances, particularly on the basis of parity, but without commenting anything further on the merits of the case, present petition is accepted. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

October 17, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No