

Him. Vs. State of Haryana --respondent

Him. Vs. State of Haryana --respondent

SooperKanoon Citation : sooperkanoon.com/1153721

Court : Punjab and Haryana

Decided On : Jul-01-2014

Appellant : Him.

Respondent : State of Haryana --respondent

Judgement :

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH CRM No.M-16295 of 2014 (O&M) Date of Decision: 01.07.2014.

Deepak @ Tefi --Petitioner Versus State of Haryana --Respondent CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr.R.S.Malik, Advocate for the petitioner.

Mr.Vikas Malik, A.A.G., Haryana.

*** TEJINDER SINGH DHINDSA.J This order shall dispose of the present petition filed under Section 439 Cr.P.C.for grant of regular bail to the petitioner in case FIR No.231 dated 10.08.2013 under Sections 302/120-B/34 IPC and Sections 25/54/59 of the Arms Act registered at Police Station Murthal, District Sonapat.

Counsel for the parties have bee heard at length.

As per prosecution version, Jai Pal S/o Chatar Singh on 09.08.2013 at about 11 O' clock in the night was going along with his brother Sandip to bazaar and upon

reaching near Balmiki temple, three boys namely Nikka S/o Rattan Singh, Sandip S/o Rajan Kumar and Nanha S/o Mohinder accosted them.

It has further been alleged that Nikka was holding a 315 bore pistol in his hand and at that stage, Sandip Kumar exhorted Nikka to teach the deceased a lesson on account of a dispute that had occurred two years back.

Furthermore, specific allegation is that Nikka had fired from point blank in the chest of his brother with an intention to kill him.

Lucky 2014.07.03 10:32 I attest to the accuracy and integrity of this document
chandigarh CRM No.M-16295 of 2014 (O&M) -2- In the FIR, the name of the petitioner did not even figure.

However, on the basis of a supplementary statement of Jai Pal-complainant recorded on 15.08.2013, the names of the present petitioner and Manish were mentioned.

As per initial statement of the complainant-Jai Pal on the basis of which the FIR was registered on 10.08.2013, the allegations are categoric and specific i.e.to the effect that three boys had accosted the complainant- Jai Pal as also his deceased brother.

Furthermore, the specific allegation insofar as the pistol shot having been fired had been attributed to Nikka.

In such initial statement of the complainant, there is no reference as regards any other unknown person also having accompanying three boys namely Nikka, Sandip and Nanha.

It is only a supplementary statement recorded five days after the occurrence that the petitioner and Manish have been named.

Under such circumstances, false implication of the petitioner cannot be ruled out.

It has gone unrebutted that Manish, who is similarly situated as the present petitioner has been granted the benefit of regular bail by this Court on 13.3.2014 in

CRM No.M-8343 of 2014.

Learned State counsel upon instructions from ASI Dinesh Kumar would apprise the Court that the investigation in the case is complete and the challan stands presented.

The trial is still at the initial stage as out of 28 prosecution witnesses cited only one has been examined till date.

The petitioner has been in custody since 16.8.2013.

Without expressing any opinion on the merits of the case, I am of the considered view that the present petitioner is entitled to the concession of regular bail.

Accordingly, the present petition is allowed.

Bail to the satisfaction of the Trial Court.

Petition disposed of.

(TEJINDER SINGH DHINDSA) JUDGE July 01, 2014.

lucky

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com