

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-12909 of 2015

Date of Decision: 29.4.2015

Rahul alias Monu

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Ram Pal Verma, Advocate
for the petitioner(s).

Mr. Rajiv Doon, Assistant Advocate
General, Haryana for the respondent.

Darshan Singh, J.

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for grant of regular bail to petitioner-Rahul alias Monu in case FIR No. 277 dated 16.8.2014, registered under Sections 307/34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Sadar Gohana, District Sonapat.

2. As per the prosecution allegations, on 16.8.2014, the petitioner and his co-accused Amit raised dispute with complainant Bunty on payment of the price of curd which they had purchased from the restaurant. At this, co-accused Amit fired shot at the complainant. The present case was registered against both of them on the statement of complainant Bunty. The petitioner was arrested on 17.8.2014 and since then he is in custody. Hence, this petition.

3. Learned counsel for the petitioner contended that all the

material witnesses have already been examined. The complainant and the witnesses of the occurrence have not supported the prosecution case. Moreover, no injury has been attributed to the present petitioner. He is in custody for the last about more than eight months and he deserves the concession of bail.

4. Learned State counsel also cannot repel the contentions raised by learned counsel for the petitioner that the complainant and the witnesses of the occurrence have not supported the prosecution version.

5. The aforesaid contentions have been duly considered.

6. Learned counsel for the petitioner has placed on record the copies of the statements of complainant Bunty and witnesses of the occurrence, namely Ram and Amit as Annexures P2 to P4. They have not stated anything incriminating against the petitioner. Even as per the case of the prosecution, no injury has been attributed to the petitioner and he is in custody for the last about more than eight months. So, his further detention is not justified.

7. In view of above, the present petition is hereby allowed and the petitioner is admitted to bail on his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate, Sonapat.

(Darshan Singh)
Judge

April 29, 2015

“DK”