

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

**Criminal Misc.No.M-24771 of 2015(O&M)
Date of Decision: August 25, 2015**

Amit @ Ganeshi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Rakesh Nehra, Advocate,
for the petitioner.

Mr.Kuldeep Tiwari, Addl.AG, Haryana.

Naresh Kumar Sanghi, J.(Oral)

CRM-26843-2015

Prayer in this application is for placing on record the documents Annexures P-4 to P-6.

After hearing learned counsel for the parties and going through the contents of the application, which is duly supported by an affidavit, the same is allowed. Annexures P-4 to P-6 are taken on record, subject to all just exceptions.

CRM-M-24771-2015

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Amit @ Ganeshi, who has been booked for having committed the offences punishable under Sections 120-B and 302, IPC, and Section 25 of the Arms Act, in a case arising out of FIR No.21, dated 11.01.2014, registered at Police Station, Sadar, Bhiwani.

Learned counsel contends that as per FIR, two persons had come on the motorcycle and one of them fired shots at Rajesh (since deceased) later on, the petitioner has been implicated with the aid of Section 120-B, IPC; there was no evidence that the petitioner had fired shot at Rajesh (since deceased) but the prosecution, to connect the petitioner with the alleged murder and its conspiracy, attempted to involve the petitioner with the averment that he had also fired a shot at Rajesh (since deceased). The report received from Forensic Science Laboratory would clearly show that the version put-up by the prosecution regarding the use of firearm allegedly recovered from the petitioner is absolutely wrong. The firearm allegedly recovered from the petitioner would not connect him with the material collected from the spot or the bullet abstracted from the corpus of Rajesh. He further submits that the petitioner is behind the bars from 24.02.2014 and the prosecution after completion of its evidence moved an application for leading additional evidence of two doctors, therefore, releasing the petitioner on bail would not in any manner effect the prosecution case. He further points out that the main accused, who allegedly committed murder of Rajesh (since deceased) is behind the bars.

Learned counsel for the State has pointed out that there are four more cases against the petitioner; the motorcycle used by the accused for coming to the spot was recovered from

the petitioner and that the prosecution has already completed its evidence, therefore, there would be no good ground for releasing the petitioner on bail at this stage. However, he has fairly conceded that the Forensic Science laboratory report is not connecting the petitioner with the bullet fired at Rajesh (since deceased).

After hearing learned counsel for the parties and going through the material available on record, this Court finds that the present petition deserves to be accepted. The culpability of the petitioner for hatching the conspiracy for commission of murder of Rajesh (since deceased) would be a moot point during the course of trial. Petitioner-Amit @ Ganeshi s/o Dharambir, r/o village Rudki, District Rohtak, is ordered to be released on bail during pendency of trial of the present case subject to his furnishing bond in the sum of ₹1,00,000/- (Rupees one lac only) with two sureties in the like amount to the satisfaction of learned trial Court.

August 25, 2015
seema

(Naresh Kumar Sanghi)
Judge