

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

CRM No.M-30842 of 2015

Date of decision: 29.09.2015

Raj Kumar @ Dalu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Jai Bhagwan Sharma, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana
assisted by ASI Yomesh Kumar.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.410, dated 24.09.2014, registered under Sections 302, 120-B, 34 IPC and Section 25 of Arms Act, at Police Station Sadar Bahadurgarh, District Jhajjar.

It is contended that the eye witnesses of the occurrence Sanjiv Kumar, brother of the deceased and father Dharampal, have not supported the case of the prosecution. There is no definite opinion with regard to the use of the country made pistol held by the petitioner. The petitioner is in custody since 29.09.2014.

On the other hand, the learned State counsel opposes the

prayer of bail and states that there is a specific attribution against the petitioner. During the course of investigation, one country made pistol was recovered from the petitioner.

I have heard learned counsel for the parties and perused the record.

This Court is not inclined to express any opinion with regard to the statements made by PWs Sanjiv Kumar and Dharampal at this stage. The impact, if any, of the same shall be assessed by the trial Court at an appropriate stage. Keeping in view the definite role assigned to the petitioner in pursuance of which the country made pistol was recovered, this Court is not inclined to grant the relief sought.

Dismissed.

However, considering the fact that the eye witnesses i.e. Sanjiv Kumar and Dharampal have turned hostile, the trial Court is directed to conclude the trial expeditiously

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

29.09.2015

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(JITENDRA CHAUHAN)
JUDGE