

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-37028 of 2015

Date of decision: December 02, 2015

Sunny

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Paramjit Batta, Advocate for the petitioner.

Mr. Gaurav Dhir, Dy. Advocate General, Haryana.

Rajan Gupta, J.

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Sections 302, 216 and 120-B/34 IPC and Section 25 of the Arms Act at Police Station Ganaur, District Sonipat, vide FIR No.332 dated 30.8.2012.

Learned counsel for the petitioner contends that star witness of the prosecution has resiled. Petitioner is in custody for more than three years. He is, thus, entitled to concession of bail.

Plea has been opposed by the State counsel. According to him, plea of the petitioner has been rejected by this court twice earlier. According to FSL report, cartridges were fired from the weapon recovered from the petitioner.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the statement of Ashok alias Nitu. He

alleged that on 30.8.2012 at about 9.00 A.M., they reached near the house of one Hardeva Balmiki. At that time, accused accosted the complainant side and started incessant firing. All were armed with pistols. They shot Manjit and fled from the scene. Manjit died at the spot due to firearm injuries. Motive of crime is stated to be earlier quarrel between the parties.

Keeping in view the nature of allegations, gravity of crime and punishment it would entail in the event of conviction, I am not inclined to accept the prayer for bail. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

December 02, 2015
'Rajpal'