

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-38566 of 2015

.....

Date of decision:14.12.2015

Vijay and another

...Petitioners

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Ajay Ghangas, Advocate for the petitioners.

Mr. Anmol Malik, Assistant Advocate General, Haryana for
the respondent-State.

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Inderjit Singh, J.

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.125 dated 30.4.2015 (Annexure-P.1) registered for the offences under Sections 148, 149, 302, 307, 452, 506 and 120-B IPC and Section 25 of Arms Act at Police Station Matlauda, District Panipat.

Notice of motion has been issued in this case.

Mr. Anmol Malik, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioners as well as learned Assistant Advocate General, Haryana appearing for the respondent-

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State and have gone through the record.

From the record, I find that the petitioners are neither named in the FIR nor any active role has been attributed to them. As per the allegations, five-six named persons along with 10-12 friends were present and the named persons are stated to have fired shot, due to which Jagdish got fire shot on his head and later on died.

Firstly, the petitioners are not named in the FIR nor any active role is attributed to them. They have only been nominated by the co-accused. All the eye witnesses and the complainant PW-1 to PW.10, as per reply by the learned State counsel, have turned hostile and have not supported the prosecution version.

The petitioners are in judicial custody since 11.6.2015. The petitioners are no more required for any interrogation and investigation purposes as they are in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioners in custody till the final disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing personal bond in the sum of ₹50,000/- with one surety each in the like amount to the satisfaction of the trial Court/Duty Magistrate.

December 14, 2015.

(Inderjit Singh)
Judge

hsp