

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

**CRM No.9363 of 2015 in/and
CRM-M-39017-2014
Date of Decision: 24.03.2015**

Amar Pal

.....Petitioner

Versus

State of Haryana.

.....Respondent

CORAM: HONBLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rahul Rathore, Advocate for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

RAJ MOHAN SINGH J. (ORAL)

CRM No.9363 of 2015

Application is allowed.

Documents are taken on record.

CRM No.M-39017 of 2014

Petitioner seeks regular bail in case bearing FIR No.110 dated 07.08.2014 under Sections 148, 149, 323, 307, 302, 120-B, 212 IPC and Section 25/54/59 of the Arms Act, Police Station Barara, District Ambala.

The prosecution story started with the complaint of Ashok Kumar, who stated that there was some topic going on in respect to elect the President of Government College, Barwala and they used to discuss the election affairs while sitting in the shop of barber at bus stop. When the complainant along with his friends were sitting in the said shop on 07.08.2014, then 12 named persons (except the petitioner) along with 10/12 more persons came to the shop and opened fire in which none was injured.

Thereafter, complainant stated that he along with his friends were going to Village Thambar i.e. village of one of the accused namely Monu Rana for making talk. On the way, they came across number of vehicles carrying named persons i.e. Monu Rana armed with pistol, Vikram Bazigar armed with pistol, Lota armed with desi-katta .12 bore, Kala armed with pistol type weapon, Dinda armed with katta and other accused were also having weapons like iron rods, gandasi, sticks etc. They opened fire, resulting in injury to Mustak on his head, Mohit in his chest and legs and injury to complainant on his right arm. The complainant and the injured persons were admitted in the hospital for treatment, thereafter, injured Mohit and Mustak were referred from there.

The investigation of the police further reveals that after conducting medical, Doctor had scribed LAMA (Left Against Medical Advise) to all the injured persons in his opinion. When the Investigating Officer was in the process of leaving the hospital then the complainant met and got his statement recorded. Further, accused Rohit @ Joni and Amar Singh @ Kallu were arrested and they were produced before the trial Court. Attestation of the investigation was assigned to ACP, Barara, who did not find any incriminating material against the aforesaid Amar Singh @ Kallu and Rohit @ Joni and found them innocent. Application for discharge was filed and they were accordingly discharged from the array of accused.

On 08.08.2014, Mustak died and offence under Section 302 IPC was added. Further investigation was done and during the intervening period one more accused namely Ram Charan was added as accused. The accusation against the petitioner is that main accused used his premises for hiding the weapons. The petitioner has been arrayed as accused with the aid

of Section 120-B IPC.

Learned counsel for the petitioner further states that the accused so arrested in this case have been arrested from different places and recoveries effected from them were not from the premises of the petitioner.

Learned State counsel on instructions from SI Kulwant Singh, states that no recovery has been effected from the premises of the petitioner. He further states that the house was used by accused persons but they ran away from the spot when the police raided the same. Be that as it may, the implication of the petitioner is with the aid of Section 120-B IPC only and it would be a debatable issue. Petitioner is not the main accused, rather as per the facts emerging out of record, he is shown to be an Editor of some newspaper.

Petitioner is in judicial custody since 18.08.2014. He is not required in any further investigation of the case. Out of 28 witnesses, none has been examined so far, though the charges have been framed.

In view of the above, trial will take some time to conclude and this Court is of the opinion that no bona fide purpose would be served by retaining petitioner in custody.

Accordingly, prayer made in the petition is allowed. Petitioner is order to be admitted on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of the CJM, Ambala.

Disposed of.

Nothing expressed hereinabove would be construed to be an opinion expressed on the merits of the case.

24.03.2015

Bhumika

BHUMIKA BHATTI
2015.03.24 18:53
I attest to the accuracy and
integrity of this document

(RAJ MOHAN SINGH)
JUDGE