

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5765 of 2015 (O&M)
Date of Decision: 26.5.2015

Vikram

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. M.S. Sidhu, Addl. A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the instant petition filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No.239 dated 14.8.2014 under Sections 148, 149, 307, 323, 506 I.P.C and section 25 of Arms Act, registered at Police Station, Badhra, District Bhiwani.

Learned counsel for the parties have been heard.

F.I.R was registered on the statement of Nitin Jain son of Hem Raj Jain, who stated himself to be the owner of Atma Ram Filling Station. Occurrence is stated to be of the intervening night of 13/14.8.2014 when at about 12.15 A.M an employee of the petrol pump gave information to the complainant that a Honda City car bearing registration no. HYN-7 came to the pump and after it was fueled money was demanded and upon which five persons got down from the car and even a shot was fired with an intention to kill. Thereafter, one of the assailants is also stated to have put a pistol on the ear of Mukesh, who managed to save himself by sitting down, even though, bullet was fired. The complainant is stated to have reached the petrol pump and prepared a C.D after seeing the pictures in the C.C.T.V

camera that was fixed and accordingly named the present petitioner as also Ramesh to be present and for having committed the offence.

The petitioner was arrested on 6.9.2014.

On 15.5.2015 i.e. the previous date of hearing the C.D containing the C.C.T.V footage regarding the occurrence was produced by the learned State counsel and was played in the Court in the presence of counsel for the petitioner as also H.C Atma Ram. It has gone uncontroverted that in such footage Vikram i.e. present petitioner had not fired any shot, though, he was present and seemed to be armed with a pistol.

It has also gone uncontroverted that during the course of trial complainant Nitin Jain as also two other employees, who were material witnesses having been present during the occurrence i.e. Mukesh and Tasveer have not deposed as regards the present petitioner having fired shots.

Court has also been apprised that out of 15 prosecution witnesses having been cited only 3 have been examined till date. The trial, as such, would take some time to conclude.

In the totality of circumstances and without making any observations on merits, the petitioner is held entitled to the concession of bail. Petition, accordingly, is allowed.

Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Bhiwani.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

26.05.2015
lucky