

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-9064 of 2015 (O&M)
Date of Decision: 09.4.2015

Jasbir @ Situ

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Surinder Dagar, Advocate for the petitioner.

Mr. Satish Saini, D.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.278 dated 3.11.2013 under Sections 302, 34 I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, Gohana Sadar, District Sonapat.

Learned counsel for the parties have been heard.

The deceased in the present case is Farik Ahmad Wasir and the F.I.R was registered on the statement of brother of deceased namely Safir Ahmad, who had stated that he had received information as regards his brother having met with an accident and having been taken to P.G.I, Khanpur for treatment. Upon reaching there he became aware that his brother had expired and police had taken the dead body to General Hospital, Gohana. Upon reaching there he is stated to have seen the dead body of his brother and further stated that his brother had received a fire-arm injury on the right side of the stomach. In the statement recorded before the police Safir Ahmad had stated that he had made inquiries on telephone from his sister-in-law namely Jayda i.e wife of the deceased and who in turn had

stated that two boys from the village namely Monu and Jasbir (present petitioner) had taken the deceased in the car for purchasing a vehicle from Gohana and for which purpose deceased Fakir Ahmad Wasir had taken Rs.50,000/- along with him. As per statement made by Safir Ahmad which led to the registration of the F.I.R, the present petitioner along with Mohit had killed Fakir Ahmad Wasir by causing bullet injury in the greed of Rs.50,000/-.

The petitioner has been in custody since 3.11.2013.

Counsel has adverted to the deposition of PW-3 i.e. Wife of the deceased namely Jayda as also PW-10 i.e. Brother of deceased Safir Ahmad Wasir, who have resiled from their statements and have not supported the prosecution version.

As such, it would be a moot question as to whether offence under section 302 I.P.C is made out against the present petitioner.

It is also not the case made out on behalf of the State that the petitioner, if, released on bail, would hamper the course of trial.

Accordingly, the present petition is allowed.

Petitioner be enlarged on bail subject to satisfaction Trial Court.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

April 09, 2015
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