

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

(231)

CRM-M-10563-2016

Decided on: July 11, 2016.

Amit alias Rahul

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Ms. Divya Sharma, Advocate, for the petitioner.

Mr. C.S. Bakhshi, Addl. A.G., Haryana.

M.M.S. BEDI, J (ORAL)

Petitioner along with two others was allegedly hired by Kaji Mohamad Nafish to threaten and harm complainant Surender Chauhan. Complainant Surender Chauhan was allegedly fired at in the morning of 02.08.2015.

Learned counsel for the petitioner has inter alia argued that the petitioner has been falsely implicated in the case and has also raised plea of alibi.

I have heard learned counsel for the petitioner and gone through the police record.

Co-accused of the petitioner Kaji Mohamad Nafish, who had hired the petitioner and others, has been declined concession of bail. No doubt, the material witnesses Surender Chauhan and Ishwar Singh have already been examined but at the same time it will be pre-mature to express

any opinion whether on the basis of circumstantial evidence which is in the shape of disclosure statement of co-accused Kaji Mohamad Nafish and the evidence of recovery of country made pistol and motorcycle, the culpability of the petitioner could be determined, I deem it appropriate to dispose of this petition with liberty to the petitioner that in case the trial is not completed, after giving fair opportunity to the petitioner to produce defence evidence, within a period of three months from the next date of hearing fixed before the trial Court, it will be open to the petitioner to approach this Court again.

(M.M.S. BEDI)
JUDGE

July 11, 2016
harsha