

Sr. No. 242

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-12127 of 2016 (O&M)
Date of Decision: 21.04.2016

Ramesh

...Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Ajay Ghangas, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.125 dated 30.4.2015, under Sections 148, 149, 307, 302, 452, 506, 120-B of Indian Penal Code and Section 25 of Arms Act, registered at Police Station Madlauda, District Panipat.

FIR was registered on the statement of Anil Kumar Son of Kehar Singh. Incident relates to 29.04.2015. Deceased in the present case is Jagdish and injured is his son, namely, Ankit.

Present petitioner is sought to be implicated on the disclosure statement of other co-accused and as per such statement, the present petitioner is stated to have fired upon the deceased.

Petitioner was arrested on 15.10.2015.

It has gone uncontroverted that Ankit i.e. son of the deceased as also injured and 05 material witnesses i.e. wife of

deceased, daughter-in-law of deceased and 03 other eye-witnesses have been examined and none of them have supported the prosecution version.

Under such circumstances, the question as to whether offence under Section 302 IPC is made out against the present petitioner would be a moot question to be considered by the trial Court.

In view of the above and coupled with the length of incarceration already suffered, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Panipat.

Disposed of.

21.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**