

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

CRL. MISC. No.M-15698 OF 2016
DATE OF DECISION : 2nd SEPTEMBER, 2016

Bal Kishan

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. A.P.S. Deol, Senior Advocate with
 Mr. Daldeep Singh, Advocate for the petitioner.

 Ms. Tanu Shree Gupta, DAG, Haryana.

 Mr. Kamal Mor, Advocate for
 Mr. Devender Arya, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking bail in FIR No.490 dated 25.10.2015 registered under Sections 307, 506 and 476 IPC and Section 25 & 27 of the Arms Act at Police Station Badshahpur, District Gurgaon.

Heard learned counsel for the rival parties.

The petitioner was arrested in this FIR on 25.10.2015 and since then he is in jail. The challan has been filed in the competent court. Trial has commenced and the prosecution has examined 5 material witnesses out of 22 witnesses.

In that view of the matter there is no point in continuing the detention of the petitioner under trial, since the petitioner has been

charged for offence under Section 307 IPC and not under Section 302 IPC as the victim had died after one month.

In view of the above, I am inclined to grant bail to the petitioner. Hence, I make the following order:

ORDER

- (i) The petition is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the CJM/Duty Magistrate, Gurgaon.
- (iii) The petitioner shall not tamper or influence the prosecution witness(es).
- (iv) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

2ND SEPTEMBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE