

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

(211)

CRM-M-20561-2016

Decided on: July 11, 2016.

Amarjit @ Amarjeet

.... Petitioner

Versus

State of Haryana

..... Respondent

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

Present: Mr. Sandeep Lather, Advocate, for the petitioner.

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

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

The petitioner is accused of having fired at Dr. Manish, son of complainant Babu Ram, on 08.09.2014 in front of the hospital of the deceased.

The FIR was registered at the instance of Babu Ram implicating Naresh Bucha who had also earlier attacked his son. The petitioner was not named in the FIR. The petitioner was implicated in the case on the basis of disclosure statement made by co-accused Naresh Bucha and Dinesh and on the basis of supplementary statement of complainant Babu Ram. The complainant has already been examined. He has turned hostile.

Co-accused of the petitioner Dinesh has been granted concession of bail by the trial Court. The said relief has been denied to the petitioner inter alia on the ground that the petitioner was involved in another case under Section 302 IPC.

Without expression of any opinion regarding the involvement of the petitioner in another case under Section 302 IPC, I am of the opinion that the petitioner, on the principle of parity, is entitled to be released on bail as the most material witness, the complainant, has turned hostile and co-accused of the petitioner Dinesh has been granted concession of bail.

In view of no other evidence being available against the petitioner, he can be granted concession of bail.

The petition is allowed. Petitioner is ordered to be released on bail in this case bearing FIR No.293 dated 08.09.2014 under Sections 302/34 IPC and Sections 25/54 of the Arms Act. He would be released only, in case he is not required in any other case.

(M.M.S. BEDI)
JUDGE

July 11, 2016
harsha