

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.19834 of 2015(O&M)

Date of Decision:-22.01.2016

Aman Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ashit Malik, Advocate for the Petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
assisted by SI Jai Narain.

JASWANT SINGH, J (ORAL)

CRM No.2232 of 2016 has been filed under Section 482 Cr.PC
for placing on record statement of Complainant Gurmel Singh, PW-1 as
Annexure **P-2**.

For the reasons stated in the application, the instant CRM
stands allowed and statement of Complainant Gurmel Singh, PW-1 is taken
on record as Annexure **P-2**.

CRM-M No.19834 of 2015

Prayer is under Section 439 Cr.PC for grant of regular bail to
the petitioner Aman Kumar in case FIR No.338 dated 15.09.2014 for
offences punishable under Sections 302, 307, 216, 506 and 34 of Indian

Penal Code and Section 25 of the Arms Act registered with Police Station Pehowa.

As per the version of injured-complainant Gurmel Singh, non applicant/co-accused Rampal was keeping a grudge against the complainant for having been restrained from unauthorisedly selling liquor in the command area of the liquor vend of the complainant, due to which on the day of occurrence on 14.09.2014 at 8.30 pm while the complainant and his companion Gian Chand (since deceased) were going on their motor cycle, they were waylaid by accused Rampal, Manoj and Dhola and two other unidentified persons. The accused party by striking their motor cycle against the motor cycle of the complainant party brought it down and thereafter non applicant Rampal is alleged to have fired shots injuring the complainant and causing death of Gian Chand.

It is contended that the present accused Aman Kumar was neither named in the FIR nor was identified by the complainant at the time of occurrence nor in Court as per his testimony as PW-1 in the trial(placed on record herein above). The name of the petitioner had surfaced in the statement of co-accused Rampal with the role that it was the petitioner-accused who with his motor cycle had blocked the motor cycle of the complainant party, which is not admissible in evidence. Apart from that, there is a disclosure statement of the petitioner leading to the recovery of the motor cycle which alone would not be sufficient to show complicity of the petitioner in the offence.

It is further submitted that the petitioner is in custody since 14.04.2015 and is not involved in any other case.

Learned State Counsel assisted by SI Jai Narain submits that the arguments raised are to be evaluated at the time of trial. He however, does not dispute the custody period and further submits that only six witnesses out of 46 prosecution witnesses have since been examined.

Without commenting on the merits of the case, keeping in view the custody period, the fact that petitioner has not been identified by the complainant and that trial is not likely to be concluded in near future, no useful purpose is going to be served by keeping the petitioner behinds the bars as such present petition is allowed and and the petitioner Aman Kumar is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Kurukshetra.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

January 22, 2016
Vinay