

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

CRM No.M-218 of 2016 (O&M)

Date of Decision: 18.01.2016

Abhishek @ Kaku

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Manoj Kaushik, Advocate for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

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TEJINDER SINGH DHINDSA.J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.111 dated 16.02.2015, under Sections 307/285/120-B/216/34 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Bhiwani City, District Bhiwani.

Counsel for the parties have been heard.

FIR was registered on the statement of Ajay Kumar S/o Arjun Dass. Occurrence is stated to be of 16.02.2015. Complainant stated that his father was running a dhaba near Railway Station, Bhiwani and at about 8.30 PM, three boys on a motorcycle had come, out of whom two boys came down and the third remained on the motorcycle. One of the boys is stated to have fired two shots towards complainant Ajay Kumar as also his aunt's son who was allegedly present on the spot. All three are stated to have thereafter fled away from the spot.

It is a case of no injury. None of the assailants were recognized and therefore not even named by the complainant.

During the course of investigation, Satinder and Manoj were arrested. The present petitioner is sought to be implicated on the disclosure

statement of Manoj.

Learned State counsel upon instructions from HC Krishan Kumar has during the course of arguments today read out the disclosure statement of Manoj. Even as per such statement, the presence of the present petitioner on the spot on the date of occurrence has not been recorded. No recovery has been effected from the present petitioner.

Petitioner is in custody since 01.06.2015. This Court has been apprised that the trial is at the initial state inasmuch as out of 27 prosecution witnesses cited only four has been examined till date.

Without making any observations on merit, prayer of the petitioner seeking the benefit of regular bail is allowed. Petitioner be enlarged on bail subject to the satisfaction of CJM/Duty Magistrate, Bhiwani.

Disposed of.

18.01.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**