

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

CRM-M No. 28393 of 2016

Date of decision : December 05, 2016

Kamal Kumar

..... Petitioner

v.

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Diwan S Adlakha, Advocate
for the petitioner.

Mr. Satish Saini, DAG Haryana

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR No.270, dated 4.5.2014, registered under Sections 148, 149, 186, 332, 353, 341, 307, 302 of the IPC, at Police Station City Jagadhri, District Yamuna Nagar.

As per allegations, Amit Kumar killed Ramesh Kumar in broad day light and immediately thereafter the petitioner along with 15-20 other persons attacked at Amit Kumar and killed him. As per allegations, three police officials had also reached but the petitioner and

other persons attacked them also and caused them simple injuries.

Counsel for the petitioner has argued that firstly, the only evidence which has appeared against the petitioner is the disclosure statement of the co-accused, and secondly even taking the worst case (which is, however, not admitted), even if it is proved that the petitioner was a part of the group who killed Amit Kumar, he may be able to plead not guilty and sudden provocation. The petitioner has undergone the period of one year and more than two months of custody. In any event, keeping in view the period of custody, and the facts of the case, the petitioner deserves to be released on bail.

Learned DAG Haryana, on instructions from SI Arvind Kumar, has accepted all the factual assertions made above.

In these circumstances, without commenting upon the merits of the case, and keeping in view the period of custody already suffered by the petitioner, as well as the facts of the case, I do not deem it appropriate to deny the concession of regular bail to the petitioner.

Bail to the satisfaction of the trial Court/Duty Magistrate.

Petition stands disposed of.

(AJAY TEWARI)
JUDGE

December 05, 2016
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Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No