

CRM-M-31481-2016

Date of Decision : 06.12.2016

Mohit

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Prabhjeet Singh Sullar, Advocate
for the petitioner.

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

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

Petitioner is an accused along with five others alleging that they had constituted an unlawful assembly and had along with Gurmeet Singh, Lakhwinder Singh and others, given beating to Jarnail Singh in presence of his son and father, Varinder Singh and Kulwant Singh, respectively, as a result of which Jarnail Singh died on 18.02.2016.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been arrayed as an accused on the basis of the disclosure statement of co-accused Lakhwinder Singh. The father of the deceased has appeared as a prosecution witness PW-3 and stated that he had seen Gurmeet Singh, Lakhwinder Singh along with four other accused giving beatings to his son, Jarnail Singh but refused to recognize the four un-named accused. The father of the deceased, an eye-witness turned hostile so far as the four un-named accused are concerned.

In view of one of the eye witnesses i.e. the father of the deceased, having turned hostile *qua* the petitioner, the petitioner being

in custody with effect from 28.03.2016, he can be released on bail without expression of any opinion on merits.

The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

Copy of the statements of Kulwant Singh made in the Court is taken on record.

(M.M.S. BEDI)
JUDGE

06.12.2016
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No