

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

**CRM-M-3312 of 2016 (O&M)
Date of decision:05.02.2016**

Kuldeep

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. Ajay Ghangas, Advocate for the petitioner.
Mr. Anmol Malik, AAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.125 dated 30.04.2015 under Sections 148, 149, 302, 307, 452, 506, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Matlauda, District Panipat.

FIR was registered on the statement of Anil Kumar son of Kehar Singh. Incident relates to 29.04.2015. Deceased in the present case is Jagdish and injured is Ankit.

During the course of arguments, it has gone uncontroverted that name of the petitioner does not figure in the FIR and as such no role/injury is attributed to him.

During the course of trial, the complainant, wife, son and daughter-in-law of the deceased and two other eye witnesses have been recorded, who have not supported the prosecution version. To the contrary, Ramesh and Ram Karan have been subsequently arrested and were stated to have fired shots which resulted in the death of Jagdish. Recovery of fire arms have also been effected from their possession.

Under such circumstances, the question as to whether the

offence under section 302 IPC is made out against the petitioner is a moot question. The petitioner has been in custody since 02.05.2015.

In view of the above and coupled with the length of incarceration already suffered, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the trial Court/Duty Magistrate, Panipat.

Disposed of.

05.02.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**