

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

237

**CRM-M-44231-2015
Date of decision:14.01.2016**

Sumit and others

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr.Ajay Ghangas, Advocate
for the petitioners.

Mr.Rajiv Doon, AAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

Petitioners seek 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 25/54/59 of 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 even though the names of all the petitioners herein specifically figured in the FIR yet no specific role/injury attributed to them.

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 petitioners is a moot question. The petitioners have been in custody since 02.05.2015.

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

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

Disposed of.

14.01.2016

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(TEJINDER SINGH DHINDSA)
JUDGE