

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

CRM-M No. 6331 of 2016 (O&M)
Date of Decision: 03.05.2016

Anil alias Mahal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Anshumaan Dalal, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Vinod Kumar.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C., is for grant of regular bail on behalf of the petitioner/accused-Anil alias Mahal in case FIR No. 90, dated 06.03.2014, for the offences punishable under Sections 302, 34, Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Civil Lines, Rohtak.

As per eye-witness account of complainant-Ranbir Singh, who is the father of deceased-Shamsher Singh, on 05.03.2014 at about 10.00 p.m., the petitioner/accused-Anil @ Mahal, his co-accused Sandeep @ Monu Hooda and Shamsher Singh (since deceased) son of complainant were sitting in Tata Safarai vehicle, when some altercation took place among them over some money transaction. Co-accused/non-applicant-Sandeep @ Monu Hooda is alleged to have caught hold the deceased, while the petitioner/accused fired two shots from his countrymade revolver. The complainant alongwith his wife Smt. Nirmala and Sumit were present at the spot, who took the deceased to PGI, Rohtak, where he was declared brought dead.

It is contended that from the hospital record, it is apparent that the deceased was not brought by the parents but by Sumit, who has been given up by the prosecution. Even otherwise the presence of the parents at the place of the occurrence from their actual place of residence at 10.30 p.m. is highly unbelievable. It is next contended that as per the FSL report (Annexure P-3), the slugs recovered from the dead body do not match with groove of the country-made revolver, allegedly recovered from the petitioner/accused. It is further contended that the petitioner is a 23 years' old student of B.A. and he is in custody since 24.03.2014, while all the material witnesses have since been examined. It is lastly submitted that the deceased-Shamsher Singh himself was a hardened criminal, belongs to a Sarkaria Gang and involved in six criminal cases including two of kidnapping and three of murder. The petitioner is stated to be not involved in any other criminal activity.

Learned State Counsel, assisted by ASI Vinod Kumar does not refute the findings of the report, custody period of the petitioner; the fact that the petitioner is not involved in any other case and further that the deceased-Shamsher Singh was a hardened criminal and involved in six other criminal cases as stated above. He, however, submits that only four official witnesses remained to be examined, who have now been summoned for 26.05.2016.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period and young age of the petitioner; and the fact that the material witnesses have since been examined, no useful purpose would be served by keeping the petitioner/accused in custody, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

May 03, 2016

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(JASWANT SINGH)
JUDGE