

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23509 of 2017

Date of Decision: July 18, 2017

Amit

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Rakesh Nehra, Advocate, for the petitioner.
Mr. Hitesh Pandit, Addl. Advocate General, Haryana

Amol Rattan Singh, J. (Oral)

This case has been put up before this Bench, in view of the fact that the earlier petition, bearing CRM-M-16450-2017, filed by the petitioner seeking bail under Section 439 Cr.P.C., was dismissed by this Bench vide an order dated 16.05.2017. A copy of the said order has been annexed as Annexure P-2 with the petition.

That petition had been dismissed specifically observing that the complainant himself on the next date of the incident made a statement to the effect that though he could not name the petitioner and his co-accused on the previous date, on account of the fact that he had received a fire arm injury and was not in a fit state of mind at that time, he specifically, thereafter, named him.

The petition had therefore been dismissed in view of the aforesaid statement.

Learned counsel for the petitioner now draws attention to the testimonies of PWs 1 and 2 before the trial Court, i.e. PW-2 being the complainant himself and PW-1 being his son, who is stated to be an eye-

witness to the incident where his father Shankar Lal (PW-2) was fired upon and injured.

Copies of the said testimonies have been annexed as Annexure P-3 and P-4 respectively with the petition.

A perusal of both testimonies shows that the complainant and the aforesaid eye witness, i.e. the complainants' son, did not support the prosecution story, going to the extent of saying that the petitioner and his co-accused who were present in Court were not the persons who demanded Rs.20 lacs and thereafter, upon the money not being paid, fired upon PW-2 Shankar Lal (complainant). They were, therefore, declared hostile and were allowed to be cross-examined by the prosecution.

In view of the aforesaid situation, without making any comment on the actual merits of the case, for or against the petitioner, which would be gone into by the trial Court regardless of this order, with the remaining witnesses stated to be formal witnesses and the petitioner having been in custody since February as admitted, it is considered appropriate to allow this petition.

Consequently, the petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

July 18, 2017
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(Amol Rattan Singh)
Judge

Whether speaking/reasoned: Yes
Whether reportable: no