

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

**CRM No.M-41573 of 2016 (O&M)
Date of Decision: 16.03.2017**

Anurag

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Ms. Kiran Bala Jain, Advocate for the petitioner.

Mr. C.S. Bakshi, Additional Advocate General, Haryana.

TEJINDER SINGH DHINDSA, J.

CRM-7331-2017:

Application is allowed as prayed for. The statement of injured-
Rani, PW8 recorded before the trial Court is taken on record as Annexure
P-6.

Application is disposed of.

Main case:

Petitioner seeks benefit of regular bail pending trial in case FIR
No.466, dated 30.09.2015, under Sections 307/120-B IPC and Sections
25/54/59 of the Arms Act, registered at Police Station Shahbad, District
Kurukshetra.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Shishpal in
relation to an occurrence that took place on 29.09.2015 and in which his
sister, namely, Rani suffered a gun shot injury.

It is a case of hearsay evidence as the complainant himself was not an eye witness to the alleged occurrence. Complainant asserted that he had received a call on his mobile phone as regards a gun shot injury suffered by his sister and who had been in the meantime referred to PGI, Chandigarh for treatment. Upon reaching PGI, Chandigarh, Rani/injured is stated to have disclosed the complainant that while she was proceeding on her Activa scooter she had been followed by her father-in-law, Rajinder Singh/non-applicant and three other persons on two motorcycles.

Insofar as the present petitioner is concerned, the case of the prosecution is that he was the pillion rider on one of the motorcycle and he had fired the shot upon Rani.

Pleadings on record would indicate that injured/Rani was having a dispute with her father-in-law, Rajinder Singh. Even the order dated 29.07.2016 passed by the learned Additional Sessions Judge, Kurukshetra declining benefit of bail to the petitioner would indicate that the present petitioner and co-accused Johny were hired by Rajinder Singh to facilitate killing of Rani. As per prosecution, an amount of Rs.50,000/- was got deposited by co-accused, Rajinder Singh in the account of the petitioner held in Punjab National Bank. Even recovery of a sim card, two country made pistols, four live cartridges and 5 empty cartridges from the present petitioner as also co-accused, Johny is stated to have been effected.

Even though, the case of the prosecution against the petitioner is direct and specific as regards having fired upon the victim, yet the length of incarceration already suffered by the petitioner weighs heavily with this Court.

Petitioner was arrested on 07.10.2015. The trial would take time to conclude as out of 29 prosecution witnesses cited, 9 have been examined till date.

Even injured/Rani has already been examined before the trial Court as PW8.

Father-in-law of the victim, namely, Rajinder Singh has already been granted benefit of bail by this Court.

Without making any observations on merits, petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Kurukshetra.

Disposed of.

16.03.2017

harjeet

(TEJINDER SINGH DHINDSA)

JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |