

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
218**

CRM-M-11832-2018

Date of decision: 27.03.2018

Ajit

...PETITIONER

VS.

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amit Kohar, Advocate,
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana,
for the State.

Mr. Anmol Partap Singh Mann, Advocate,
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail in FIR No. 75 dated 14.03.2017 registered under Sections 147, 148, 149, 109, 212, 302, 307, 323, 325, 506, 120-B IPC and 25 of the Arms Act at Police Station Sadar, Hansi, District Hisar.

It is the contention of the learned counsel for the petitioner that there are general allegations in the FIR on all the persons being armed with weapons. However, the recovery, which has been effected from the petitioner, is an iron pipe. No specific role has been attributed to the petitioner in the FIR although in the statement under Section 161 Cr. P.C., there are allegations to that effect because of injury has been found to that of fire arm injury on the three deceased. He states that the petitioner has

been falsely implicated and is in custody since 14.05.2017 with the charges although having been framed but no witnesses, till date, have been examined out of cited 43 witnesses and the trial is not likely to conclude in near future. He, therefore, prays for grant of bail.

On the other hand, counsel for the State, on instructions from ASI Naurang Singh, Police Station Sadar, Hansi, as well as the counsel for the complainant have vehemently opposed the bail application of the petitioner by asserting that it is a triple murder case where the petitioner was also an active participant as a blunt injury has been found on two of the deceased, namely, Mukesh son of Suresh and Pardeep son of Dalbir as well as other injured persons but it could not be specified as to which injury is attributed to the petitioner. They, however, contend that the petitioner is likely to influence the witnesses and, therefore, he should not be granted the concession of bail at this stage. There is another FIR registered under Section 302 IPC against the petitioner.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the allegations against the petitioner in the FIR are limited to the extent of he being present and armed with weapon without specifying as to what weapon he was carrying. However, in the light of the fact that the recovery, which has been effected from the petitioner, is an iron pipe and no specific injury is attributable to him as of now, the petitioner being in custody since 14.05.2017 and the trial is not likely to conclude in near future, the present application is allowed. Petitioner is directed to be released on bail to the satisfaction of the trial Court.

It is made clear that in case, the petitioner, in any manner, tries

to influence the witnesses, it would be open to the prosecution and the complainant to move an appropriate application in accordance with law.

March 27, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No