

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12576-2018

Date of decision: 17.07.2018

Anil @ Kali

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vishal Malik, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.214 dated 29.05.2017 under Sections 302, 120-B, 34 IPC and Section 25 of Arms Act, registered at Police Station Barwala, District Hisar.

Learned counsel for the petitioner submits that as per allegations in the FIR, on 29.05.2017, the police received an information from complainant Krishan that his son Amarjeet @ Ladoo is lying smeared in blood near a road and he suspected that his son has been murdered due to a conspiracy by some unknown person, who had called him. During the investigation, the police arrested co-accused Anil son of Rajender, petitioner Anil @ Kali and two other co-accused namely Pardeep and Ramesh @ Binder. All the accused persons have made their confessional statements and as per their statements, the complainant was having a dispute regarding business of liquor with co-accused

Pardeep and Ramesh @ Binder. It is further submitted that it has further come in the said statements that the petitioner caught hold of the deceased and co-accused Anil son of Rajender had fired on him, which resulted into his death. Counsel for the petitioner further submits that during the investigation, one Alto car was recovered from co-accused Pardeep along with a country-made pistol and a live cartridge.

Learned counsel for the petitioner has further argued that a country-made pistol was also recovered from co-accused Anil son of Rajender. It is further submitted that from the petitioner, his own mobile phone and a SIM was recovered and only allegation against him is that he had made call to the deceased on that day. It is also submitted that complainant Krishan has died and therefore, his statement could not be recorded before the trial Court and co-accused Pardeep has already been granted the concession of regular bail vide order dated 15.11.2017 passed by the Additional Sessions Judge, observing that as per report submitted under Section 173 Cr.P.C., co-accused Anil son of Rajender had fired the shot and said firearm has been recovered from him. It was also observed in the said order that the trial is likely to take some time.

Learned counsel for the petitioner has further submitted that another co-accused Ramesh @ Binder has also been granted the concession of regular bail vide order dated 22.11.2017 passed by the Additional Sessions Judge making similar observations that the fatal injury is attributed to co-accused Anil son of Rajender. It is further submitted that the petitioner is in judicial custody since 02.06.2017 and since the complainant has expired, out of 27 prosecution witnesses, only 01 PW has been examined so far, it will take some time in conclusion of the trial.

Learned State counsel, on instructions from ASI Sheesh Karan, has not disputed the fact that co-accused Pardeep and Ramesh @ Binder have already been granted regular bail and fatal injury is attributed to Anil son of Rajender. It is also not disputed that the complainant has expired and only one PW has been examined so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial custody for the last 01 year and 01 month, two co-accused of the petitioner have already been granted the concession of regular bail; out of total 27 PWs, only 01 has been examined so far and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

17.07.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No