

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

CRM-M No.1342 of 2018

Date of Decision: 07.02.2018

Amit @ Meela

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.S.Kundu, Advocate for the petitioner.

Mr. Munish Sharma, Assistant Advocate General, Haryana
for the respondent.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.19 dated 16.01.2016, registered at Police Station Sadar Sonapat, under Sections 147, 148, 149, 302, 341, 506 of the Indian Penal Code and Section 25 of the Arms Act, 1959.

2. Learned counsel for the petitioner contends that the petitioner is not named in the FIR nor any specific role is attributed to him. The petitioner has been in custody for the last more than two years. The challan of the case has already been presented and the trial is likely to take sometime. Moreover, two witnesses, namely, Mahavir (PW-4) and Jasmer (PW-5) have not identified the petitioner as a part of the mob.

3. On the other hand, learned State counsel submits that even if no role is attributed to the petitioner, he being member of unlawful assembly under Section 149 IPC, is equally liable for commission of offence under Section 302, IPC. He

further submits that the co-accused in their disclosure statements have stated that the petitioner was also involved in the occurrence and had fired two shots with a DBBL Gun. Recovery of two live cartridges has been effected from the petitioner although the weapon has not been recovered from him.

4. Having heard learned counsel for the parties and keeping in view the fact that the investigation in the case is complete and the trial has since commenced and further that the petitioner has been in custody for the last more than two years, I deem it appropriate to order release of the petitioner on regular bail. The disclosure statements of the co-accused being hit under Section 30 of the Indian Evidence Act, 1872, the evidence on date appears to be very weak. Accordingly, the petitioner- Amit @ Meela is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of learned trial Court concerned.

5. The petition stands disposed of.

February 07, 2018
Gagan

(SUDHIR MITTAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>