

CRM-M-20752-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20752-2018

Date of Decision: 30th May, 2018

Jasbir

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Pawan Singh, Advocate,
for the petitioner.

Mr. Kuldeep Sharma, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.243, dated 22.07.2017, registered under Sections 302, 323 read with Section 34 of the Indian Penal Code and Section 27 of Arms Act, at Police Station Sadar Gohana, District Sonipat.

It is the contention of the learned counsel for the petitioner that the petitioner was arrested in this case on 22.07.2017 and since then, he is in custody. The allegations against the petitioner is that he had fired with his revolver hitting the deceased resulting in an injury, which is not sustainable as there are only two shots which are allegedly to be fired as per the FIR and two cartridges and bullets, which have been recovered, are stated to have been fired as per the report of the FSL from the pistol which is attributed to the brother of the petitioner, namely, Rakesh @ Keshu. He, therefore,

contends that the petitioner has been falsely implicated in the present case. He further states that out of total 16 prosecution witnesses, only 6 witnesses have been examined, out of them, 5 independent witnesses have not supported the prosecution case and therefore, the trial is not likely to conclude in near future. He, therefore, prays for grant of regular bail to the petitioner during the pendency of the trial.

Counsel for the State, on instructions from ASI Samunder Singh, P.S. Sadar Gohana, could not dispute the assertions of the counsel of the petitioner.

Keeping in view the above facts and circumstances of the case and the submissions of the learned counsel for the petitione,r especially the report of the Forensic Science Laboratory as also the fact that five independent prosecution witnesses have not supported the prosecution case, and the trial is not likely to conclude in near future as there are still 10 prosecution witnesses to be examined, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

30th May, 2018
Harish

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