

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

CRM-M-32834-2018 (O&M)

Date of Decision:-29.8.2018

Ajay @ Doctor

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Dhull, Advocate, for the petitioner.

Mr. Navdeep Singh, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner-Ajay @ Doctor has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.216 dated 20.3.2016 under Sections 302, 307, 148 and 149 of Indian Penal Code, 1860 and Section 25 of Arms Act at Police Station Sadar Hisar, District Hisar.

The FIR was lodged at the instance of Nasib Kumar, wherein it has been alleged that on the day of occurrence, when he along with Dillu @ Kuldeep were sitting in a shop near Jindal Model School, then 4-5 persons came in a vehicle and out of them two were armed with weapons, who fired shots at Kuldeep as well as at him. It is alleged that Kuldeep had died at the spot on account of the fire arm injuries.

Notice of motion was issued to the State.

The learned State counsel has opposed the same.

The learned counsel for the petitioner has submitted that in the present case, the statement of the star witness i.e. the complainant-Nasib

(PW-3) has already been recorded and he has resiled and has not supported the case of the prosecution. The learned counsel has referred to his testimony annexed with the present petition as Annexure P-2.

The aforesaid fact is not disputed by the learned State counsel.

It has been informed that the petitioner has been behind bars since the last 2 years and 5 months.

Having regard to the aforesaid position, wherein the star witness i.e. the complainant himself is stated to have resiled and that the petitioner has been behind bars since the last 2 years and 5 months and that conclusion of trial will take some time, no useful purpose will be served by keeping him behind the bars any longer. The petition, as such, is accepted. The petitioner-Ajay @ Doctor is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Hisar.

This petition stands disposed of accordingly.

29.8.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No