

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

**Criminal Misc. No. M-33327 of 2018
Date of decision: 07.12.2018**

Jitender @ Jeetu

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Rajesh Bansal, Advocate and
Mr. Sarvesh K. Gupta, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.
for the respondent-State.

Ms. Shelja Sharma, Advocate for
Mr. Rajesh Lamba, Advocate
for the complainant.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Jitender @ Jeetu under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.669 dated 27.08.2017 registered under Sections 302, 148, 149 IPC and Section 25 of the Arms Act at Police Station Palwal during pendency of the trial.

Learned counsel for the petitioner submits that initially twelve accused were nominated and six were found innocent. Challan was presented against six accused persons. The petitioner has been implicated on the basis of general allegations as neither any role has been attributed nor any specific injury has been caused to the injured. Learned counsel further submits that at the time of alleged occurrence, the petitioner was not

.....

present at the place of occurrence and he was not having any knowledge about the commission of offence. The petitioner has been implicated due to party faction in the village. Nothing was recovered from the petitioner. Even two eye witnesses, whose statements have been recorded, have not supported the case of the prosecution. One eye witness is uncle of the deceased who has specifically stated in his statement that he did not know anything about the incident and even he was not present at the place of occurrence. He has stated that he did not know as to who had caused injuries to the deceased. Learned counsel also submits that as per allegations levelled in the FIR, all twelve accused fired shot and the deceased received nine injuries, out of which, five injuries were gun shot injuries and others are lacerated wounds. The death has occurred due to fire arm injuries. The petitioner is in custody since 02.09.2017 and all the material witnesses have been examined. No purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody period but has opposed the submissions made by learned counsel for the petitioner on the ground that offences are under Sections 148 and 149 IPC where specific role is not required.

Learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner on the ground of seriousness of the offence and also the fact that the petitioner was quite active at the time of commission of offence and the death has occurred due to multiple injuries including the gun shot injuries.

Heard arguments of learned counsel for the petitioner; learned

.....

the contents of the FIR and other documents available on the file.

In view of the submissions made by learned counsel for the petitioner that the petitioner is in custody since 02.09.2017; two eye witnesses have not supported the case of the prosecution; no specific role has been attributed to the petitioner; all the material witnesses have been examined; still trial may take time to conclude and no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Jitender @ Jeetu) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

07.12.2018
neetu

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No