

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-33663-2018

Date of Decision: September 06, 2018

Amit @ Mitti

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

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

Mr. Satish Saini, DAG, Haryana.

Mr. Anshumaan Dalal, Advocate
for the complainant.

Sudhir Mittal, J. (Oral)

This petition has been filed for grant of regular bail in FIR No.67, dated 28.04.2016, registered in Police Station Lakhan Majra, under sections 120B, 302, 34, 449 IPC and section 25 of the Arms Act, 1959.

2. The petitioner-Amit @ Mitti is accused of having committed murder. Vide order dated 30.05.2018, application for grant of regular bail was rejected by the Additional Sessions Judge, Rohtak. Thus, the present revision petition.

3. As per the allegations in the FIR, the petitioner is the main accused, who has allegedly shot the deceased person in the chest with a pistol causing his death.

4. Learned counsel for the petitioner submits that the petitioner has been in custody since 28.04.2016 and the trial is not likely to be concluded at an early date.

Moreover, even as per the contents of the FIR, the complainant is not eye-witness and

therefore, it cannot be said that the petitioner is the main accused. Co-accused-Ravi has already been granted regular bail by this Court and thus, the petitioner is also entitled to be granted regular bail.

5. The prayer is opposed by learned State counsel as well as learned counsel for the complainant. It is submitted that the petitioner has used his pistol for causing the death of the deceased person. This is corroborated from the evidence on record. After perusing the case file, learned State counsel has submitted that the report of the Forensic Science Laboratory is on record, which indicates that the bullet recovered from the body of the deceased person was fired with the pistol recovered from the petitioner. Further, the trial is nearing completion as 16 out of 33 witnesses already stand examined. The remaining 17 witnesses are mainly official witnesses and their examination can be done within a short time-frame. Thus, the petitioner be not granted regular bail.

6. At this stage, when the trial is nearing completion, it would not be appropriate to release the petitioner-Amit @ Mitti on bail as he has committed very serious and heinous offence. He came to the house of the deceased person with pre-meditation and such a person does not deserve the concession of discretionary relief.

7. The petition is accordingly, dismissed.

September 06, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No