

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

Crl. Misc. No.M-34615 of 2018

Date of Decision:- 16.08.2018

Kuldeep @ Kala

....Petitioner

vs.

State of Haryana

....Respondent

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Punit Malik, Advocate,
for the petitioner.

Mr. Satish Saini, AAG, Haryana.

Sudhir Mittal, J. (Oral)

The petitioner seeks regular bail in case FIR No.279 dated 18.11.2017 registered at Police Station Israna District Panipat under Sections 302, 201 and 34 IPC.

As per the contents of the FIR, the petitioner along with co-accused Parmeet allegedly killed Jitender son of Dharampal by running him under a Rotavator machine.

Learned counsel for the petitioner submits that the petitioner has been in custody since 19.11.2017. The material witnesses have already been examined and they have not supported the prosecution version. Even the complainant appearing as PW-1 has stated that he does not suspect the petitioner. Thus, the petitioner be released on regular bail.

Learned State counsel submits that the Rotavator machine which allegedly caused the death of Jitender son of Dharampal was recovered from co-accused Parmeet and that the petitioner was last seen with the deceased. Thus, his

involvement in the incident cannot be totally ruled out.

On being asked for the number of PWs who have been examined, learned State counsel submits that out of 16 PWs, only 6 have been examined till date.

Considering the fact that the material witnesses have already been examined and that as on date, the evidence on record does not support the case of the prosecution inasmuch as the petitioner has not been implicated and that the trial is not likely to be concluded at an early date, it would be just and appropriate to release him on regular bail.

Accordingly, the petition is allowed and it is directed that the petitioner be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court.

August 16, 2018
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No