

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43845-2018

Date of Decision:-29.11.2018

Inshar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (Oral)

Petitioner-Inshar seeks regular bail in a case registered against him vide FIR No.216 dated 20.3.2016, under Sections 302, 307, 148, 149 IPC and Section 25 of the Arms Act, registered at Police Station Sadar, Hisar.

The FIR was registered at the instance of Nasib, who alleged that on 20.3.2016 when he along with Kuldeep @ Dillu was sitting in a shop near Jindal Model School, then 4-5 persons came there in a vehicle and after alighting from the same, two of them, who were carrying weapons, started firing upon Kuldeep and at him. It is alleged that several of the shots hit

Kuldeep and he died at the spot and that the assailants after firing fled away from the spot in their vehicle.

Notice of the petition was issued to the respondent-State. Learned Additional Advocate General, Haryana opposes the application.

Learned counsel for the petitioner has submitted that the only eye witness i.e. the complainant Nasib has been examined by the prosecution but he has resiled and has not supported the case of the prosecution at all. Learned counsel has furnished a copy of statement of PW3 Nasib, wherein he has specifically stated that the persons who had caused death of Kuldeep @ Dillu and had fired upon him as well are not the persons present in the Court. It has also been informed that the petitioner in any case is in custody since last two years and eight months and his co-accused Ravi alias Baba has already been granted of concession of bail.

Having regard to the facts and circumstances of the case and bearing in mind the fact that petitioner is behind bars since last two years and eight months and that the complainant, who has already been examined, has not supported the case of the prosecution, the petition is hereby accepted and the petitioner-Inshar is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the CJM/Duty Magistrate, Hisar.

(GURVINDER SINGH GILL)
JUDGE

29.11.2018
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No