

Sr. No.212

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

CRM No. M-44860 of 2017 (O&M)

Date of Decision: 30.01.2018

Amit alias Monu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arjun Lakhanpal, Advocate,
for the petitioner.

Mr. Ashish Yadav, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of bail pending trial in case FIR No.328 dated 18.04.2016, under Sections 302, 307, 34, 216, 120-B IPC and Sections 25-54-59 of Arms Act, registered at Police Station City Hisar, District Hisar.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Babu Lal in relation to an alleged occurrence dated 18.04.2016. Precise allegations are that while the complainant was sitting in the basement of his office co-accused Sumit @ Kali and Kamal Yadav came on a motorcycle which was parked in front of the office. Kamal Yadav remained along with the motorcycle and Sumit @ Kali came down with a pistol in his hand and fired a shot at the complainant and which missed the target. Further allegations are

that in the meantime some people staying in the locality of the complainant came running towards the office of the complainant and informed him that two boys had come on the motorcycle and had opened fire towards the residential premises and a gun shot injury had been suffered by one Sweety i.e. daughter of the maid servant Neelam. Sweety is stated to have succumbed to the firearm injuries.

In the FIR and as per initial version of the complainant no role has been attributed to the present petitioner. Even his presence at the spot of occurrence on 18.04.2016 has not been recorded. It so transpires that the complainant got recorded a supplementary statement on 11.05.2016 in which he alleged that the present petitioner who is the real brother of main accused Sumit @ Kali was part of the conspiracy that had led to the attack and the occurrence. Petitioner as such was arrested on 17.05.2016 and has been roped in with the aid of Section 120-B of Indian Penal Code.

During the course of arguments, it has gone uncontroverted that the petitioner was involved in another FIR registered prior in point of time and on the date of occurrence i.e. 18.04.2016 he was in custody in that matter.

Petitioner as of date has faced incarceration for a period of more than 20 months.

Investigation has already been completed, challan has been presented even charges have been framed.

This court is of the considered view that no useful

purpose would be served by keeping the petitioner in custody till the culmination of the trial.

In view of the discussion hereinabove and without making any observations on merits, petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of
the trial Court/Duty Magistrate, Hisar.

Disposed of.

30.01.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No