

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

CRM-M-48628-2018

Date of Decision:-14.11.2018

Krishan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.K. Chugh, Advocate
for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

Petitioner-Krishan seeks regular bail in a case registered against him vide FIR No.216 dated 20.3.2016, under Sections 302, 307, 148, 149 of Indian Penal Code, 1860 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 opposed 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 drawn the attention of this Court to statement of PW3 Nasib (Annexure P-1), 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. The present petitioner is behind bars since the last more than two years as has been confirmed by learned State counsel upon instructions from ASI Surender Kumar.

Having regard to the facts and circumstances of the case and bearing in mind the fact that petitioner is behind bars since 2 ½ years and on the ground of parity since co-accused-Rakesh has already been granted the concession of bail 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-Krishan 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

14.11.2018
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No