

CRM-M-5181-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5181-2018

Date of Decision: 16th February, 2018

Amit @ Koka

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rahul Makkar, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail after being in custody since 30.06.2016, by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.104, dated 09.06.2016, registered at Police Station Bond Kalan, District Bhiwani, under Sections 307 and 120-B of the Indian Penal Code.

Counsel for the petitioner contends that the petitioner is not named in the FIR, however, as per the CCTV footage, which is said to be the source of identification of the petitioner, one gun shot is attributed to have been fired by him from a country-made pistol. He contends that no injury has been attributed to the petitioner and the petitioner is in custody for the last more than one and half year. Out of total 15 prosecution witnesses, 8 witnesses have been examined including all the eye-witnesses

and complainant. He states that only formal witnesses have to be examined now. He, therefore, prays that the petitioner may be granted the concession of regular bail during the pendency of trial.

Learned counsel for the State, on instructions from HC Satbir Singh, Police Station Bond Kalan, District Bhiwani, could not dispute the assertion of the counsel for the petitioner with regard to the fact that all the eye-witnesses have been examined and only formal witnesses are left.

Keeping in view the fact that the petitioner is in custody for more than one and half year with an attribution of using country-made pistol but no injury has been attributed to him and also all the eye-witnesses have been examined including complainant with formal witnesses left, therefore, influencing the witnesses also does not arise, without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(AUGUSTINE GEORGE MASIH)
JUDGE

16th February, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No