

**Sr. No.218**

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

**CRM No. M-5787 of 2018 (O&M)**

**Date of Decision: 12.03.2018**

Kamal Yadav

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Rose Gupta, Advocate,  
for the petitioner.

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

**TEJINDER SINGH DHINDSA, J.(ORAL)**

Petitioner seeks regular 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.

Allegations are that while the complainant was sitting in the basement of his office co-accused Sumit @ Kali and the present petitioner came on a motorcycle which was parked in front of the office. Present petitioner is stated to have 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 firearm injuries.

Petitioner was arrested on 19.04.2016.

Investigation having been completed, challan was presented and charges have been framed.

Material witness i.e. complainant Babu Lal has already been examined before the trial Court.

His deposition recorded before the trial Court was read out in Court. Complainant Babu Lal has clearly stated that boy who was driving the motorcycle was wearing a helmet and as such he is not in a position to identify him. He has deposed that he can identify only one accused, namely, Sumit @ Kali who had fired shots upon him at the office as also upon Sweety at his residential premises. Complainant has also deposed that the name of the present petitioner had been given by the other persons who were gathered at the residential premises when Sweety (since deceased) had been shot dead. Complainant further more in his deposition has admitted that he was not an eye witness to the occurrence of firing that took place at his residential premises and which led to Sweety being eliminated.

Prayer for bail is opposed by learned State counsel by stating that recovery of the weapon in question has been effected

from the present petitioner.

Trial would take time to conclude inasmuch as 13 prosecution witnesses are yet to be examined.

Petitioner has already faced incarceration of almost 02 years.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

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

Disposed of.

**12.03.2018**

vandana

**(TEJINDER SINGH DHINDSA)  
JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes  
No