

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

209

CRM-M No.6959 of 2018
Date of Decision: April 24th, 2018

Krishan alias Golu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amit Kohar, Advocate
for the petitioner.

Mr. Kuldeep Sharma, Deputy Advocate General, Haryana.

Mrs. Baljit Mann, Advocate
with Mr. A.P.S. Mann, Advocate
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Counsel for the petitioner states that in compliance with the order passed by this Court on 19.02.2018, the petitioner has joined investigation.

Counsel for the State, on instructions from ASI Norang, Police Station Sadar, Hansi, states that although the petitioner has joined investigation but the recovery of the weapon has not been effected from him.

Counsel for the petitioner has referred to the FIR stating that as per the FIR, three people were armed with firearms namely Subhash, Ashok @ Papal and Ramphal. All these three persons have been arrested and the recoveries have also been effected. Although the petitioner has been named in the FIR but no specific role has been attributed to him.

Learned counsel for the complainant as also the counsel for the State have vehemently argued that the petitioner was also armed with a pistol and has used the said weapon. In support of this assertion, they have

placed reliance upon the assertion that when the other people tried to intervene in the matter, all persons fired gunshots directly upon the persons, who had interfered. It is in this process that Mukesh son of Ram Kumar was also injured and received firearm injuries.

It is contended by the counsel for the complainant and the State that three other persons, apart from the three deceased, have received firearm injuries including Mukesh, who had attributed a injury to the petitioner with a firearm. Reference has also been made to a Facebook post alleged to be that of the petitioner threatening the complainant party. Prayer has thus been made for not granting the petitioner the benefit of concession of bail.

I have considered the submissions made by the counsel for the parties and keeping in view the specific allegations in the FIR attributed to the persons specifically in the same, where the petitioner although is named but is not specifically stated to have fired with a firearm, he at this stage cannot be attributed such a situation. It is a question to be decided at the stage of trial by the Court on the basis of evidence to be led by the parties.

Keeping in view the allegations in the FIR and in the manner, it has been projected, the present petition is allowed.

Order dated 19.02.2018 is hereby confirmed.

Petitioner shall, however, continue joining investigation as and when required.

In case the petitioner misuses the concession of bail granted by this Court, it would be open to the prosecution to move an appropriate application before the Court.

Any observation made by this Court will not be taken into consideration for any purpose except for the decision of the present petition.

April 24th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No