

222

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13795-2019
Date of decision-03.04.2019

Rahul

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mohit Rathee, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana assisted by
ASI Kashmir.

MANOJ BAJAJ, J.

Petitioner-Rahul has prayed for grant of regular bail in case FIR No.200 dated 09.07.2017 under Sections 148, 302 and 120-B read with Section 149 of Indian Penal Code and Section 25 of Arms Act, 1959 registered at Police Station PGIMS, District Rohtak. The petitioner is in custody since his arrest on 11.07.2017.

The FIR was recorded on the statement of Shankar son of Rajender Singh wherein he stated that Manoj was his elder brother. Manoj told him that two days ago he had altercation with Annu Sunara. On 08.07.2017, when complainant along with his brother Manoj, Hitesh and Monu were sitting on the railway line, then Annu Sunara along with his 3-4 friends came there and took his brother Manoj for a walk and after that he fired a shot on the chest of Manoj. After that Annu along with his companions fled from the spot.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and the gun shot which is the cause of the death of the victim, namely, Manoj is attributed to Annu Sunara. He further contends that the complainant-Shankar has been examined as PW-4 who has not identified the petitioner before the Court. He refers to the examination of the witnesses wherein he proceeded to identify Krishan and Annu.

On the other hand, learned State counsel assisted by ASI Kashmir opposed the bail application. However, it is not disputed that the gun shot was fired by co-accused, namely, Annu Sunara. It is further stated that only 09 witnesses have been examined out of total 29 witnesses.

Considering the above background of the case, custodial period suffered by the petitioner and the stage of the trial which is likely to consume considerable time, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Rohtak.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

03.04.2019

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