

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 218

Criminal Miscellaneous No.M-19232 of 2019 (O & M)
Date of Decision: May 06, 2019

Pardeep @ Sarpanch

..... PETITIONER(S)

VERSUS

State of Haryana

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE MANOJ BAJAJ**

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PRESENT: - Mr. K.L. Saini, Advocate, for the petitioner.

Mr. Anmol Malik, Assistant Advocate General, Haryana.

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Manoj Bajaj, J (Oral)

The petitioner has filed this petition for grant of regular bail in case FIR No.438 dated 06.09.2015 under Sections 148, 149, 302, 120-B IPC and Section 25 of the Arms Act registered at Police Station, Sadar, Panipat.

The petitioner is in custody since the date of his arrest i.e. 06.10.2015. FIR was registered on the basis of statement of complainant Saddam to the effect that when complainant alongwith his friends was present in his fields, six boys had come in two cars and an altercation took place. It is narrated that a gun shot was fired at Asjad. In the said occurrence, Asjad had died.

Learned counsel for the petitioner contends that prosecution has examined six witnesses, out of which, four are eye witnesses who turned hostile. According to him, petitioner who is not named in the FIR has no role in the crime as witnesses have failed to identify him. According to the witnesses, accused present in court was not the assailant. Learned counsel contends that there are in all 41 witnesses and conclusion of trial is likely to consume considerable time.

On the other hand, learned State counsel has opposed the bail petition on the ground that petitioner is involved in 19 cases. However, it is not disputed that nothing was recovered from him in the present case and the eye witnesses have turned hostile.

Considering the above background and stage of the trial, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning an 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/surety bonds to the satisfaction of the trial court.

May 06, 2019
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(Manoj Bajaj)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No