

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

**CRM-M-47008-2018
Date of decision: 15.02.2019**

Krishan**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Ms. Aashna Gill, Advocate for
Mr. Aman Pal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 799 dated 12.07.2017, under Sections 148, 149, 307, 302, 120-B of the IPC and Section 25 of the Arms Act, 1959, registered at Police Station City Panipat, District Panipat.

Learned counsel for the petitioner submits that as per the allegations in the FIR, got registered on the statement of one Ram Mehar, it is stated that he has a younger brother namely Rakesh, who was convicted in the murder case of one Aman Nandi and was on bail. Rakesh was running a cable and furniture shop and at about 11 AM, he along with Jasbir @ Jassa and Sunny left for city in their Scorpio car which was being driven by Rakesh. The complainant got an information that Rakesh was attacked and had suffered fire arm injuries and was taken to General Hospital, Panipat but he died. The other occupant Jasbir @ Jassa also sustained bullet injuries

and he was taken to a private hospital.

Learned counsel for the petitioner further submits that petitioner was not named in the FIR and thereafter, the police arrested one of the co-accused, namely Shil Kumar, and in his disclosure, the name of the petitioner surfaced with the allegation that petitioner has provided money to the other co-accused for purchasing weapons.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 25.04.2018 and four prosecution witnesses have been examined including complainant who has not supported the prosecution version.

Learned counsel for the petitioner further argues that in fact the name of the petitioner has surfaced in the second disclosure of aforesaid Shil Kumar and except the allegation that petitioner has provided money to the accused persons, there is no other role of active participation and nothing was recovered from the petitioner.

Learned State counsel, on instructions from ASI Ram Kumar, has not disputed the fact that complainant has not supported the prosecution version, however, submitted that petitioner is involved in three other FIRs.

In reply, learned counsel for the petitioner submits that out of three other FIRs, the petitioner stands acquitted in FIR No. 438 dated 06.09.2015, registered under Sections 148, 149, 302 and 120-B of the IPC as well as in FIR No. 987 of 2017, registered under Sections 323, 325, 34, 379-B and 506 of the IPC, vide judgments dated 06.10.2017 and 28.11.2018, respectively, passed by the Additional Sessions Judge, Panipat. It is further submitted that even in third FIR No. 473 dated 08.06.2011, registered under Section 392 IPC and Section 25/54/59 of the Arms Act, the

petitioner has been acquitted by the JMIC, Panipat and as on today, the petitioner is not facing trial in any other case except the present one.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is in judicial custody since 25.04.2018; was not named in the FIR; his name has surfaced on the disclosure of co-accused Shil Kumar and also in view of the fact that there are no specific allegations against the petitioner except that he has provided money to other co-accused, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

February 15, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No