

Crl. Misc. No. M-50115 of 2018

Date of Decision: January 17, 2019

Mukesh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTALPresent: Mr. Bijender Dhankhar, Advocate
for the petitioner

Mr. D.R. Singla, DAG Haryana

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 266 dated 09.07.2017 under Section 302 IPC, Sections 25 and 30 of Arms Act, 1959 and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Sadar Sonapat.

Learned counsel for the petitioner submits that the petitioner has been in custody since 10.07.2017. The trial is not likely to be concluded at an early date as eleven more PWs remain to be examined. The petitioner is not a habitual criminal as there is no other case pending against him. Infact, the deceased namely Jasmer died due to an accidental gun shot injury as is apparent from the statement of the complainant and the eye witness. Thus, the petitioner may be released on regular bail.

Learned State counsel opposes the prayer on the ground that a serious offence has been committed. Nine PWs have already been examined and four more have been summoned for 31.01.2019. Thus, the trial is likely to be concluded at an early date and the bail petition may, thus, be dismissed.

It emerges that although in the FIR it is stated that the petitioner had shot the deceased person namely Jasmer, during the course of the trial, the

complainant as well as the eye witness (brother of the deceased) have stated that the death was caused due to accidental gun shot injury. Keeping this fact in view as well as the fact that the trial is not likely to be concluded at an early date and that the petitioner has been in custody for one year and six months, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

January 17, 2019

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No