

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

206

CRM-M-28227-2019 (O & M)

Date of Decision:29.08.2019

Vipin @ Mitthu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.78 dated 20.02.2018, under Sections 307, 34 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Kharkhoda, District Sonipat.

The prosecution case is that when the complainant Ajay was present at his shop which is located in front of State Bank of India then Mithu along with another unknown boy came to his shop on the black colour pulsar bike. Mithu got down from the bike and fired upon him with an intention to kill him. The complainant received two gunshot injuries. Thereafter Mithu alias Vipin and his companion fled away from the spot on the bike.

Learned counsel for the petitioner contends that the victim of the alleged occurrence and the eye-witness i.e. father of the victim have been examined by the prosecution and in their deposition before the Court, they have not supported the case set up by the prosecution. According to him, further custody of the petitioner may not be justified particularly when

the rest of the witnesses are the official witnesses. He has produced the testimonies of PW-3 Ajay and PW-6 Balwan Singh respectively.

On the other hand, learned State counsel assisted by ASI Naresh Kumar has opposed the bail application. He does not dispute this fact that the material witnesses have not supported the prosecution case and the prosecution is yet to examine remaining 5 witnesses.

Considering the above background and the fact that the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

29.08.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No