

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

CRM-M-40660-2019

Date of Decision: 26.09.2019

Sunder

...Petitioner

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manish Soni, Advocate for the petitioner.
Mr. Manish Bansal, DAG, Haryana.

ANIL KSHETARPAL, J.

Petitioner prays for regular bail in FIR No.86 dated 25.03.2018 registered under Section 304 IPC and under Section 27 of the Arms Act at Police Station, Bawanikhera, District Bhiwani.

At the outset, it has been noticed that offence under Section 302/34 IPC and Section 25 of the Arms Act stands deleted.

As per the case of the prosecution, deceased Sonu and petitioner were known to each other. When the petitioner was carrying a pistol in his hand, Sonu (deceased) told him that firearm is not for display. Thereafter, Sunder fired towards Sonu, resulting in his death.

Learned counsel for the petitioner, while drawing attention of the Court to the statements of wife of Sonu, who has been examined as PW-1 and Sukhi Ram, father of Sonu, who has been examined as PW-3 submits that both the prosecution witnesses have not supported the case of the prosecution. The wife has deposed that Sonu, her husband, was carrying the pistol in his hand and due to mistake he fired resulting in death of her husband. Whereas father of Sonu has stated that he directly reached the hospital. Both the wife and father of the deceased were declared hostile.

Petitioner is in custody since 29.03.2018. As per the information supplied by the learned counsel for the State, he does not have any criminal background.

Without commenting on the merits of the case and keeping in view the aforesaid facts as also conclusion of the trial is likely to take time, it is considered appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

26.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No