

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

CRM-M-51133-2019

Date of Decision : December 06, 2019

Sandeep alias Banti
State of Haryana

Versus

....Petitioner
....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ankit Chahal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.32 dated 28.1.2019 under Sections 307 read with Section 34 IPC and Sections 25/27 and 30 of the Arms Act, registered at Police Station Sadar Dadri, District Charkhi Dadri.

Counsel for the petitioner submits that as per the allegations in the FIR registered at the instance of Sandeep Kumar, he received information that his brother Pradeep Kumar has suffered bullet injury and on enquiry, witness-Sandeep Kumar told him that he will inform the name of the accused later on.

Counsel for the petitioner has submitted that later on the petitioner was nominated as one of the accused. He further submits that the petitioner is in custody since 5.2.2019 and 02 of the 05 witnesses, i.e. PW1 and PW2, have not supported the version while appearing as witnesses before the trial Court. Both the witnesses were declared hostile and even denied their

statements made before the police as Ex.P1 and Ex.P2. Counsel for the petitioner has placed on record an affidavit of the injured witness-Pardeep Kumar to submit that even this witness has stated that the petitioner has not caused any injury to him.

Learned State counsel, on instructions from ASI Somvir has, however, submitted that the statement of injured Pradeep Kumar is yet to be record. It is further submitted that the petitioner is a convicted in one of the FIR No.24 dated 24.1.2014 and is facing the trial in three other cases.

After hearing counsel for the petitioner and without commenting anything on the merits of the case; considering the aforesaid submission made by counsel for the petitioner; the two prosecution witnesses have not supported the prosecution case and even the injured victim-Pradeep Kumar has given an affidavit, which is taken on record as Mark 'A' and same is verified by the Investigating Officer, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

December 06, 2019

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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO