

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

CRM-M-54753-2018

Date of Decision: 27.02.2019

Sunil

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Harvinder Singh Maan, Advocate
for the petitioner.

Mr. Vikas Malik, D.A.G. Haryana.

Mr. Shailender Singh Gill, Advocate
for the complainant.

RAJBIR SEHRAWAT, J. (Oral)

Through this petition, the petitioner has sought bail pending trial in case FIR No.464 dated 18.10.2017 registered under Sections 302, 307, 120-B, 34 IPC and Section 25 of Arms Act, 1959 at Police Station Kaithal City, District Kaithal.

Learned counsel for the petitioner contends that the petitioner has wrongly been involved in this case. He has never participated in the incident as such. He has been made accused only being member of the family of the main accused namely Dilbagh and being brother of Pooja who is alleged to have had run away marriage with the deceased. It is contended by the learned counsel for the petitioner that even during investigation police have not been able to collect any evidence to connect the petitioner with the crime in question. Still further, it is submitted that although the police claim to have recovered pistol from the petitioner, however, the same is not even found to have been used at the place of occurrence. The FSL report also relates to fire bullet cartridge which is not even claimed to have been found from the place of occurrence. Besides, there is no evidence

against the petitioner. Even the prosecution witnesses have not fully supported the case of the prosecution qua the petitioner. The petitioner is in custody since 21.10.2017. It is further submitted that out of total 41 witnesses, only 8 witnesses have been examined so far. The trial is likely to take long time to conclude. The petitioner is not required for any investigation purposes. Hence, the petitioner deserves the concession of bail pending trial.

On the other hand, learned State counsel being instructed by SI Dharam Pal and assisted by Mr. Shalinder Singh Gill, Advocate submits that the petitioner is stated to be present at the scene of occurrence. Therefore, he is very much part of process of killing of the deceased. The pistol has been recovered from the petitioner.

However, it is not disputed that the deceased has died only of one injury, which is, attributed to the main accused Dilbagh. The petitioner is not even alleged to have caused any injury to the deceased as such. It is also not disputed that only 8 witnesses have been examined out of total 41 witnesses.

In view of the above facts and circumstances, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

27.02.2019
rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No