

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

**CRM-M No.1087 of 2020 (O&M)
Date of Decision:18.02.2020**

Aashish Khatri

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Suresh K. Jindal, Advocate,
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana
for the State.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail in FIR No.295 dated 21.03.2019 under section 25 of the Arms Act, 1959 and Sections 120-B, 307 read with Section 34 IPC, registered at Police Station, Chandni Bagh, Panipat.

Learned counsel for the petitioner has submitted that in the present case, the allegations against the petitioner are that he alongwith other co-accused, namely, Joni, had fired a shot in the head of Kaku @ Himanshu in the presence of the complainant. He has further stated that during the course of trial, the injured Kaku @ Himanshu (PW2) did not support the case of the prosecution, rather he specifically stated that the petitioner was not involved in the present case. He has also stated that the

petitioner is in custody since 17.05.2019 and there is no other case against him. Learned counsel for the petitioner has further stated that the other co-accused, namely, Joni has been granted bail by this Court vide order dated 13.12.2019 passed in CRM-M-42227 of 2019 and that the case of the petitioner is in parity with the other co-accused, namely, Joni.

Learned State counsel has submitted that factually it is correct that both the accused are named in the present FIR and are in parity with each other.

I have heard learned counsel for the parties and perused the record.

In view of the fact that the other co-accused, who is similarly situated as the petitioner, has been granted bail by a coordinate Bench of this Court and also that the injured Kaku @ Himanshu (PW2) has not supported the prosecution case, I deem it fit to admit the petitioner to regular bail.

In view of the above, the present petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

18.02.2020
sk

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No