

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

CRM-M-10303-2020 (O&M)

Date of decision: 19.08.2020

Amit Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikram Punia, Advocate
for the applicant-petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-19544-2020

Prayer in this application is for grant of interim bail to the applicant-petitioner during the pendency of the main petition, which is fixed for 17.09.2020.

Considering the submissions raised by learned counsel for the applicant-petitioner, the main case is preponed to today for final arguments.

Application stands disposed of.

CRM-M-10303-2020

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 579 dated 29.08.2018, registered under Sections 302, 364, 404, 34 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Suraj Kund Faridabad, District Faridabad.

The first petition, bearing CRM-M-12569-2019, was dismissed

as withdrawn on 15.07.2019 with liberty to approach the trial Court.

Learned counsel for the petitioner submits that the trial is standstill on account of Covid-19 situation.

Learned counsel further submits that the new ground for filing the present is that three prime witnesses, i.e. mother, father and brother of the deceased, have not supported the prosecution version and three reports, i.e. Ballistic report, Serological report and DNA report, are not conclusive to connect the petitioner with crime.

Learned counsel refers to the statement of PW-1 Veena, mother of deceased Rajat, and submits that this witness could not connect the petitioner with crime.

Learned counsel for the petitioner further refers to the statement of PW-2 Virender Kumar Narang, father of deceased Rajat, who was declared hostile as he stated that he had given his application Ex. PC on the asking of police and the same was not in his handwriting and in cross-examination when confronted with the same, he denied that he had given the said application 2/3 months prior to incident.

Learned counsel further submits that PW-3 Sidharth, brother of the deceased, has straightway stated that he has no knowledge regarding murder of his brother and thereafter, he was declared hostile.

Learned counsel further refers to Ballistic report, wherein at Point No. 1 of the result, it is stated that though the country made pistol, Marked as W/1, is a firearm, however, its firing mechanism was not found in working order and the test firing was done using iron nail by hammer action.

It is further submitted that even as per the FSL report as well as

DNA report, the blood stains found on the clothes are inconclusive as the same neither matched with the DNA profile of Anil nor that of Amit.

Learned counsel for the petitioner, thus, argues that the petitioner, who is presently in judicial custody for the last about two years, may be released on regular bail.

Learned State counsel could not dispute the factual position and submits that out of total 22 prosecution witnesses, 14 witnesses have been examined so far and the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts and circumstances of the case; stage of trial as well as the evidence which has come on record so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

19.08.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No