

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28145-2020
Date of Decision: 07.10.2020

Krishan

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bipin Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate for the petitioner.

Mr. Amrik Singh Narwal, DAG Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

Status report by way of affidavit of Vikrant Bhushan, IPS, Assistant Superintendent of Police, Beri, District Jhajjar has been placed on record.

The petitioner has prayed for grant of regular bail in case FIR No.210 dated 5.5.2018, under Sections 302/506 of IPC & 25/27 of Arms Act 1959 registered at Police Station Beri, District Jhajjar.

Briefly, the FIR has been registered on the basis of the statement of Pradeep Kumar alleging that on 5.5.2018 at about 6.30 A.M., the petitioner took out the revolver and put the same on the head of Parasram and threatened to kill him. Thereafter, the petitioner fired twice from his revolver on Budhsain. The gunshot had hit the forehead of Budhsain, the uncle of the complainant which resulted in his death.

It has been stated by learned counsel for the petitioner that the case has been registered on the basis of the statement of Pradeep Kumar who along with other eye-witnesses have not supported the prosecution version.

Furthermore, the ballistic report does not support the case of the prosecution. The arrest of the petitioner was effected on 6.5.2018 and since then he is in custody.

Learned State counsel has not disputed the factual aspect of the matter. Even in the status report it has been pointed out that as per the ballistic report .38 fire cartridge case recovered in the case has not been fired from the service revolver of the petitioner. Though the petitioner is serving in Haryana Police but the ballistic report does not support the case of the prosecution. It has also been specified in the status report that no bullet was recovered from the body of the deceased as the bullet had exited the dead body.

The petitioner is in custody for the last more than two years. The conclusion of trial is likely to take some time. The trial is not progressing on account of restricted hearing of the Courts on account of Covid-19 pandemic. The complainant and the eye-witnesses have not supported the prosecution version.

In such circumstances, no fruitful purpose would be served by detaining the petitioner in custody. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

07.10.2020

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No