

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

**CRM-M No.30681 of 2019
Date of Decision : 05.02.2020**

Devi Ram

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Ishan Gupta, Advocate
for the petitioner.

Mr. Navdeep Singh, Asstt. A.G., Haryana.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.393, dated 28.11.2018, registered under Sections 147, 148, 149, 323, 302, 120-B of the Indian Penal Code, 1860 and Sections 25, 54 & 59 of Arms Act, 1959, at Police Station Khedki Daula, District Gurugram.

2. Perused FIR and the entire material on record.

3. The petitioner is alleged to have been a Member of the group, which attacked the Kinnars of Rajni Group on the relevant date. No specific role of the petitioner has been described in the FIR except that all the members of the group started quarrelling with the complainant's group and beating them with Kicks and Fists and Dandas (Sticks). The real implicating statement is specifically made against one accused, namely,

Pinda @ Surinder, who is alleged to have fired a Bullet at Rajni, which apparently killed the deceased on the spot.

4. It further transpires that as many as six (06) witnesses were examined by the Ld. Trial Court till the end of May, 2019, which included all the three (03) eye-witnesses, namely, Aman Shekh, Rajesh Malik and also the complainant Ashfaq-ul-Haq, as specified in the charge-sheet. None of them gave any statement supporting the prosecution case. Subsequently, after apprehension of two other co-accused persons, the trial has re-commenced, in which the complainant again did not support the prosecution case.

5. In such circumstances and considering the petitioner has remained in detention for more than 14 months by now, since 29.11.2018. His further detention, at this stage, would not serve any purpose. Therefore, the present petition is allowed and the petitioner, namely, Devi Ram, is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of Ld. Trial Court/Duty Magistrate, concerned.

February 05, 2020
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No