

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-55408-2019

Date of Decision: 04.03.2020

Ramparkash @ Kala

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Parveen Kaushik, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

Mr. Virender Soni, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

Mr. Virender Soni, Advocate has filed memo of appearance on behalf of complainant on his own, though he has not been impleaded as party. The same is taken on record. Be tagged at the appropriate place.

Through this petition under Section 439 Cr.P.C., petitioner-Ramparkash @ Kala, has prayed for grant of regular bail in case FIR No. 0116 dated 03.03.2017 registered under Sections 302 and 120-B read with Section 34 IPC and Section 25 of the Arms Act at Police Station Sadar, Bahadurgarh.

Learned counsel *inter alia* contends that during investigation, petitioner was found innocent. Thus, his name was placed in column No. 2 of final report under Section 173(2) Cr.P.C. However, after examination of eye-witness, namely; Soniya as PW-8, petitioner was

summoned under Section 319 Cr.P.C. He is in custody since, 15.07.2019.

No recovery has to be effected from him.

Heard.

Perusal of statement of PW-8 dated 11.10.2018 (Annexure P-4) shows that she did not attribute any role to the petitioner in the commission of crime, rather she simply testified that petitioner was present with country made pistol with main accused-Naveen @ Bholu, who fired gun shot from his country made pistol towards her father-in-law, namely; Mallu.

Considering the summoning of petitioner under Section 319 Cr.P.C. and the fact that conclusion of trial may take a long time, no useful purpose is going to be served by detaining the petitioner in jail and further that no recovery has to be effected from him, the petition is allowed. Consequently, petitioner-Ramparkash @ Kala, is ordered to be released on bail pending trial, if, not required in any other case, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

March 04, 2020

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(RAMENDRA JAIN)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No