

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-6160-2021 (O&M)
Date of Decision:-7.10.2021

Rampal ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prateek Gupta, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Naresh Kumar.

Mr. Vikas Bishnoi Godara, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

CRM-33813-2021

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexure P-13 subject to all just exceptions.

CRM-M-6160-2021 (Main Case)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.224 dated 17.10.2011 at Police

Station Kurukshetra University, Kurukshetra under Sections 302, 307, 148, 149, 216, 120-B of Indian Penal Code and Sections 25, 54 and 59 of Arms Act.

2. As per the case of prosecution, on 17.10.2011, complainant Sheel Kumar and Sushil, son of his maternal uncle, came to Kurukshetra University to meet Virender Singh who was studying in Kurukshetra University and was a hostler. At about 5.00 p.m., they came in Campus Market, Kurukshetra University for having a cup of tea. Complainant and Sushil sat in the tea-shop whereas Virender Singh sat a little away with his friends Kuldeep alias Babli and Pardeep. At about 5.45 p.m., while taking tea, they heard noise of firing and saw 6-7 boys had fired 6-7 gun shots upon Virender with pistols. While running they also fired upon Kuldeep and Pardeep who had a narrow escape. They raised alarm on which the assailants while firing in the air, fled from the spot with their respective weapons towards N.I.T. on their motor cycles. Later on, Kuldeep alias Babli disclosed names of those persons as Ajay, Vijay, Virender alias Kana, Ashok alias Shoki, Ram Pal (petitioner) and Raja of Bibipur and stated that he could recognize remaining assailants if produced before him. He also told complainant that accused had grudge with Virender Singh. In the meantime, vehicle of University Security came at the spot in which they took Virender Singh to LNJP Hospital, Kurukshetra, where during treatment, Virender Singh succumbed to his injuries.
3. Learned counsel for the petitioner has submitted that the complainant Sheel Kumar has been examined as PW-6 on 4.10.2021 and as per his statement (Annexure P-13) he has not supported the case of prosecution at all and has been declared hostile.

4. The aforestated position is not disputed by learned State counsel. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 9 months.
5. Having regard to the fact that the material eye-witness i.e. the complainant has resiled and while noticing that the petitioner has been behind bars for a substantial period of 1 year and 9 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7.10.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No