

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

226

CRM-M-33425-2021 (O&M)

DATE OF DECISION: 11.11.2021

DEVENDER @ KALA KABADI

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Aman Pal, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 51 dated 10.02.2021, under Sections 302, 307, 34 IPC and Section 25 of the Arms Act, 1959 (Section 120-B IPC and Section 27 of the Arms Act added later on), registered at Police Station Gohana City, District Sonipat.

Learned counsel for the petitioner contends that it is alleged in the FIR that the deceased was shot by the co-accused Ravinder @ Davinder and Parwar. He further contends that the petitioner is not named in the FIR and has been arraigned as an accused on the supplementary statement of the complainant recorded 3 days after the incident wherein it is alleged that the petitioner was present and he had pushed the deceased before he was shot by Ravinder @ Davinder. He also contends that the material witnesses including the complainant Dinesh PW-3, who is the brother of the deceased, Rinki PW-1, who is the nephew of the deceased, PW-2 Subhash, who is cousin of the deceased and PW-5 Om Parkash who was allegedly injured, have not supported the prosecution case qua the involvement of the petitioner. Their statements are annexed at Annexures P-18 to P-23. The petitioner is in custody for over 8 months and does not have any criminal antecedents.

Learned State counsel, upon instructions from ASI Rakesh, states that the petitioner is in custody for a period of 8 months and 20 days. He further contends that 6 out of 41 prosecution witnesses have been examined. However, he is not in a position to controvert the submissions of the learned

counsel for the petitioner that the aforementioned material witnesses have not supported the prosecution case qua the involvement of the petitioner.

Heard.

In view of the above, especially when the petitioner is not named in the FIR, the material witnesses have not supported the prosecution case qua the involvement of the petitioner, he does not have any criminal antecedents, he is in custody for over 8 months, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Pending criminal miscellaneous application, if any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

11.11.2021

SwarnjitS

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