

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

CRM-M-48874 of 2021

DECIDED ON: 28th March, 2022

Rahul

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Aman Pal, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.53 dated 18.1.2019, under Sections 302 read with Section 34 IPC and Section 25 of Arms Act, 1959, registered at Police Station Model Town, District Panipat.

The FIR was registered as Nitin (deceased) was shot on 18.1.2019 and he succumbed to bullet injuries. In the FIR the complainant named Nikhil @ Tinku, Bittu Langda and Neeraj @ Chautala. As per the contents, Ankush narrated the incident to the complainant. The petitioner was named by Tinku @ Nikhil and .315 bore country made pistol was recovered from him. The allegations are that it was one of the bullet shot by him which hit the deceased.

Learned counsel for the petitioner submits that eye witness Ankush in his deposition stated that the accused were not the persons who fired on the deceased. He further relies upon the fact that Tinku @ Nikhil who was attributed similar allegations as the petitioner, was granted bail by this Court. Submission is that the petitioner is in custody since 13.3.2019.

Learned State counsel on instructions opposes the prayer for bail however, is not able to distinguish the case of the petitioner *viz-a-viz* Tinku @ Nikhil, so far as grant of bail is concerned.

Without commenting upon the merits of the case and the deposition made by Ankush, on the basis of parity of petitioner with Tinku @ Nikhil and considering the fact that conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

28th March, 2022
reema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>