

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

226

CRM-M-51288-2021 (O&M)

Date of Decision: 28.02.2022

Krishan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ramnish Puri, Advocate, for the petitioner.

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

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.339 dated 22.09.2020 at Police Station Sadar Gohana, District Sonipat, under Sections 302/34 IPC and Section 25 of the Arms Act.
2. The FIR was lodged at the instance of Azad, wherein it is alleged that the petitioner had shot at complainant's son namely Aman and had killed him.
3. Learned counsel for the petitioner has submitted that the petitioner is real son of the complainant and that the FIR in question came to be lodged under some misunderstanding on account of a property dispute and that the misunderstanding has now cleared and the matter has been resolved and in fact when the complainant appeared before the trial Court, he absolutely resiled from his

statement and has been declared as hostile. It has further been submitted that even PW-3 Chander Pal and PW-7 Ramehar have also not supported the case of the prosecution.

4. Opposing the petition, learned State counsel has submitted that the petitioner is the main accused and had shot at the deceased from a point blank range and had killed him. Learned State counsel has, however, not disputed the fact that the complainant resiled from his statement, when he was examined during the proceedings of trial. Learned State counsel has informed that the petitioner has been behind bars since the last about 1 year & 4 months.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the complainant himself has not supported the case of the prosecution during the proceedings of trial and also that the petitioner, otherwise, has been behind bars for a substantial period of about 1 year & 4 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

28.02.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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