

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-23399-2023

Date of Decision:-12.05.2023

Umesh @ Bantu.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ajay Ghangas, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.48 dated 07.02.2022 under Sections 302, 201 IPC and Sections 25, 27, 54, 59 of Arms Act, 1959 registered at Police Station Badli, District Jhajjar

2. The brief facts the case are that statement of Michael son of Balwan Singh was recorded to the effect that on 6.2.2022 his uncle Ganga Jeevan @ Deepak had gone in the marriage of the daughter of Bijender. The marriage of Monika daughter of his (complainant's) uncle Brahm Parkash had been solemonized with Umesh @ Bantu. At about 11.00 pm at night he and his family members were sleeping in their house when his brother in law Umesh @ Bantu (petitioner) came to their (complainanty party's) house and started knocking at the door. When they (complainant party) got up and went near the door then Umesh @ Bantu was stating that he had killed Deepak at village Saundhi with gunshots. Umesh asked them (complainant

party) to come out so he could shoot them (complainant party). After this Umesh ran away from the spot. On an enquiry it was revealed that his (complainant's) uncle had been killed by gunshots and his dead body was lying at Krishna Hospital, Farukhnagar. They (complainant party) had suspicion that Deepak had been killed by the petitioner along with other accomplices.

Based on the aforementioned complaint, the instant FIR came to be registered.

3. The counsel for the petitioner contends that he has been falsely implicated in the present case. The complainant is not an eye witness of the occurrence and nor has the name of any eye witness been mentioned in the FIR. During the course of the Trial the statement of the complainant Michael and two alleged eye witnesses namely Devinderpal and Dinesh Kumar Sharma have been recorded as PW-1 to PW-3 and all the three material prosecution witnesses have not supported the case of the prosecution as is borne out from Annexure P-2 to P-4. Further, no recovery of any weapon has been effected from the petitioner. As the petitioner is in custody since 09.02.2022 and 03 material prosecution witnesses out of 23 cited prosecution witnesses already stood examined, the further incarceration of the petitioner is not required.

4. The Counsel for the State on the other hand contends that the the petitioner is the main accused and, therefore, he was not entitled to the grant of bail. He however, does not deny the fact that the three material prosecution witnesses have turned hostile, as many as 20 prosecution witnesses are to be examined and that the petitioner is in custody since 09.02.2022.

5. I have heard counsel for both the parties at length.

6. Admittedly, the petitioner is a first time offender and is stated to be in custody since 09.02.2022. Three material witnesses out of 23 prosecution witnesses have been examined and have not supported the prosecution case. Therefore, the further incarceration of the petitioner is not required.
7. Thus without commenting on the merits of the case, the present application is allowed and the petitioner-**Umesh @ Bantu** son of Sh. Shyambir is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 12, 2023
Vinay

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