

CRM-M-36686 of 2022

[1]

2023:PHHC:042148

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-36686 of 2022
Date of decision:22.03.2023

Anil @ Bhilla

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ranvijay Singh, Advocate for
Mr. Neeraj Goel, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in case FIR No.0008 dated 15.01.2018 registered under Sections 114, 147, 149, 302, 323 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, however, charge was framed under Sections 147, 148, 302, 323, 341, 149, 114, 285 IPC and Sections 25, 27 of Arms Act, at Police Station Agroha, District Hisar (Annexure P-1).

Version of the prosecution is that FIR (Annexure P-1) has been registered on the statement of Kuldeep, wherein, he has stated that his elder brother, Rajesh, who was working in liquor shop, had an argument and altercation with Anil (present petitioner) over a petty issue. Rajbir, who was

sitting with Rajesh supported them and Anil went home. However, after sometime, Anil brought a gun and came accompanied with some relatives, who were carrying wooden sticks. On the instigation of his grandfather, Bhagirath, he fired twice at Rajesh. One of the bullets hit Rajesh in the stomach. Though he was rushed to a Govt. hospital, but Rajesh did not survive the bullet injury and died.

Counsel for the petitioner has argued that the petitioner has been falsely implicated in the criminal case. He submits that complainant's side were the aggressors and the petitioner had fired in defence. Counsel submits that after withdrawal of the first petition, after arguments, vide order dated 14.10.2021 (Annexure P-5), all the crucial prosecution witnesses including the complainant and eye-witness, Rajbir, have been examined. He submits that there are major inconsistencies in the evidence led by the prosecution. He submits that the petitioner, who has a clean past deserves to be enlarged on bail as the trial is not likely to conclude in near future.

Upon instructions from SI Jagdish, State counsel submits that petitioner is the main accused and he has committed a cold blooded murder without any provocation. He submits that the prosecution has produced all the vital witnesses, who have supported the case. As per his instructions, 09 out of total 18 prosecution witnesses have been examined.

I have heard counsel for the parties.

Petitioner is in custody since 21.01.2018. In the opinion of the Court, length of custody of 61 months is sufficient to release the petitioner

on bail. Besides this, all the material prosecution witnesses have been examined and there is no possibility of the petitioner influencing any of them.

In view of the above, but without advertng to the merits or demerits of the arguments addressed, petition is allowed and petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 22, 2023

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes