

205 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47908-2022
Date of Decision: 05.01.2023

ANIL ALIAS GIDGU ... PETITIONER
VS.
STATE OF HARYANA .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rakesh Nehra, Senior Advocate with
Mr. Sauhard Singh, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 67 dated 09.06.2021 under Sections 302, 307, 34, 452 IPC and 25 of the Arms Act registered at Police Station Alewa, District Jind, Haryana.

Reply by way of an affidavit of Nar Singh, Deputy Superintendent of Police, Jind-Uchana, District Jind and custody certificate have been placed on record.

Briefly, the FIR has been registered on the basis of the statement of Anita, the wife of the deceased. It has been alleged that the deceased was having some monetary transaction with the petitioner. On 09.06.2021, the petitioner entered the house of the deceased and he was carrying two pistols, one in each hand. He fired upon Kuldeep, who sustained bullet injuries on the chest and head and succumbed thereto. While leaving, the petitioner had also fired upon Ram Pyari.

Learned counsel for the petitioner contends that during the course of trial, neither the complainant nor two other eye witnesses nor Ram Pyari, the injured, have supported the prosecution version. Although, a

country made pistol has been allegedly recovered from the petitioner, but the ballistic report has not given any definite opinion as the bullets were not having sufficient comparable individual characteristic marks. The petitioner is in custody for a period of 01 year, 06 months and 16 days and is involved in another case bearing FIR No. 285 dated 08.10.2022 under Section 3 HPID Act and Sections 406 and 420 IPC, registered at Police Station Sadar Saffidon, Jind. Although, the petitioner was involved in four other cases, but he stands acquitted in those cases.

Learned State counsel has opposed the bail application on the score that some private witnesses are yet to be examined and there is apprehension that the petitioner may influence them. It has also been stated that out of 27, 13 witnesses have been examined.

Be that as it may, the detail of the private witnesses, who are required to be examined, have not been specified. The complainant, injured and eye witnesses have been examined and they have not supported the prosecution version. The ballistic report is not conclusive in the instant case. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

05.01.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No