

HEMLATA
2024.12.05 04:54
I attest to the accuracy and
integrity of this document

came on my brother Sumit. And he started abusing Sumit and threatening to kill him. After that I called 112 from my phone and told that Lalti was threatening to kill us. 10 minutes after calling, vehicle number 112 came to us. We told the police everything and then they said, if anything happens now, let us know. 20 minutes after the police vehicle left, Lalti son of Jasmat, Sumit son of Tarachand alias Pappu and Sundar son of Ombir Lohar resident of Aurangabad, all three came on a motorcycle and all three had different country made pistols in their hands and as soon as they came they shot my brother Sumit. Then all three ran after me with weapons. When I ran away from there and went to my father, I saw that my father was also shot by all three and I found my father in an unconscious state. Then I brought my brother Sumit and my father Bharat to the government hospital Palwal and the doctor treated my brother. Sumit was declared dead and my father was referred to Faridabad Escort Fortis. In this incident, all three shot us with the intention of killing the entire family. Lalti's mother Ramvati has a hand in carrying out the entire incident. Sir, it is requested that strictest legal action should be taken against the accused so that we can get justice. Sd/- NARENDER Applicant Narendra, son of Bharat.”

3. Learned counsel for the petitioner contends that even as per the case of the prosecution, the petitioner was driving the motorcycle, on which, Lalit and Sunder had come with him. Further, Lalit had fired at Sumit, since deceased, whereas as per the allegations levelled by the complainant, the petitioner had fired shots at Bharat, injured. He further contends that the injured, Bharat was admitted in the hospital, but he was discharged long ago and is hale and hearty. The petitioner was arrested in the present case on 11.06.2022 and co-accused Rambarti @ Ramwati has already

been granted the concession of bail by this Court vide order dated 19.07.2023 passed in CRM-M-53963-2022 (Annexure P-5). Learned counsel further contends that the complainant and one eye-witness in the present case have already been examined and there are no chance of tampering with the prosecution evidence in the present case.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was also one of the assailants in the instant case. However, they did not dispute the fact that the petitioner had not fired on Sumit, since deceased and is attributed fire arm injuries, who was allegedly caused to Bharat, father of the deceased.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the petitioner is in custody for the last more than 02 years and 06 months and after examination of the complainant and eye-witness, he is not in a position to influence the other witnesses. Thus, custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

05.12.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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