courtkutchehry.com

Company: Sol Infotech Pvt. Ltd.
Website: www.courtkutchehry.com
Printed For:
Date: 07/11/2025

(2013) 04 P&H CK 0176

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-602 of 2013 (O and M)

Sandeep @ Bandu	APPELLANT
Vs	
State of Haryana	RESPONDENT

Date of Decision: April 1, 2013

Acts Referred:

- Arms Act, 1959 - Section 25
- Penal Code, 1860 (IPC) - Section 120B, 148, 149, 302

Citation: (2014) 1 Crimes 557

Hon'ble Judges: Vijender Singh Malik, J

Bench: Single Bench

Advocate: Bijender Dhankar, for the Appellant; Shekhar Mudgal, AAG, Haryana, for the Respondent

Judgement

Vijender Singh Malik, J.
Sandeep @ Bandu, the petitioner seeks regular bail in a case registered by way of FIR No. 308 dated 5.10.2011 at Police Station Ganaur, District Sonepat, for an offence punishable under sections 148, 302 and 120-B IPC read with section 149 IPC and section 25 of the Arms Act. Learned counsel for the petitioner submits that Jai Karan, the complainant who claimed himself to be traveling in a bus with his son Budh Singh, had leveled allegations in the FIR against Naveen and Parveen, to have fired shots at his son and killed him. According to him, after nine days of the occurrence, the complainant changed his version and named the petitioner and one Sidharth as the persons who fired the shots. He further submits that now the complainant has been examined as PW 1 and has failed to support the prosecution version. According to him, Jai Bhagwan, brother-in-law of Jai Karan has also failed to support the prosecution case and similarly brother of the deceased, named, Krishan along with the driver of the bus, named, Ram Niwas has failed to support the prosecution case. He further submits that on the last date of hearing, the State counsel was directed to find out whether the conductor of the bus is a witness of the case and if so, he is to be examined at the trial or not. According to him,

he has come to know that conductor of the bus is not a witness in this case and there is no question of his being examined at the trial.

2. Learned State counsel, on instructions from SI Inder Singh, admits that the conductor of the bus is not a witness in the case and there is no question of his being examined at the trial. Jai Karan and others, named above, have withdrawn their support from the prosecution case. Looking to the fact that the allegations against the petitioner were not there in the first instance and that the complainant and all the material witnesses have failed to support the prosecution case, I find the petitioner to be entitled to bail during the trial. Therefore, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing a personal bond in a sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of learned trial court.