

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214

CRM-M No.126 of 2015

Date of Decision:13.01.2015

Neeraj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Jangvir Singh Hooda, Advocate,
for the petitioner.**

**Mr.Pravindra Singh Chauhan, Additional Advocate
General, Haryana, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other co-accused, namely, Mahesh and others, vide FIR No.334 dated 30.08.2011, on accusation of having committed the offences punishable under Sections 148, 149, 323, 307, 506 IPC read with Section 25 of The Arms Act, by the police of Police Station Sadar Palwal.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Concisely, the prosecution, *inter alia*, claimed that on 29.08.2011, main accused Raj Kumar son of Ram Singh fired a shot,

which hit on the right leg of complainant-Bijender son of Jagdish. Neither any specific role nor any particular injury is attributed to the petitioner in the FIR, except vague allegations that he along with his other co-accused also fired shot towards the complainant. The main injury subject matter of offence punishable under Section 307 IPC is assigned to main accused Raj Kumar(non-petitioner). In that eventuality, as to whether the penal provision of Section 307 IPC is attracted to the facts, relatable to the case of the petitioner or not, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

5. Not only that, occurrence in this case has taken place on 29.08.2011, whereas, the petitioner was arrested on 30.09.2014(after about more than three years of the occurrence), for the reasons best known to the police. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous conviction in any other criminal case. Since, not even a single witness has yet been examined by the prosecution, so, the conclusion of trial will naturally take a long time.

6. Moreover, Mahesh, similarly situated co-accused of the petitioner, was granted the concession of regular bail, by means of order dated 03.12.2014 in CRM No.M-40091 of 2014 by this Court. Therefore, I see no reason not to extend the same benefit of regular bail to the present petitioner as well under the similar set of circumstances.

7. In the light of aforesaid reasons, taking into consideration the totality of facts & circumstances, emanating from the record, as discussed

here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

January 13, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE