

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-17057 of 2015

Date of Decision: 27.5.2015

Sumit alias Happy

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Vikrant Hooda, Advocate
for the petitioner(s).

Mr. Rajiv Doon, Assistant Advocate
General, Haryana for the respondent.

Darshan Singh, J.

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for grant of regular bail to the petitioner in case FIR No. 55 dated 15.2.2015, registered under Sections 307, 506 & 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") and Section 25/54/59 of the Arms Act, 1959 (hereinafter referred to as "the Act") at Police Station Sadar, Bahadurgarh.

2. As per the prosecution allegations, on 14.2.2015, complainant Sudeep and his brother Ajay were on their way to the house of their uncle Azad Singh. The accused waylaid them and told the complainant that he would be taught a lesson for filing complaint against them with the police. The son of Hansa, co-accused, fired a shot. However, the complainant had a narrow escape. Thereafter, the accused fled away from the spot.

3. Learned counsel for the petitioner contended that no role in this occurrence has been attributed to the petitioner. He was neither armed with any weapon nor had caused any injury. Infact, none from the complainant side had suffered any injury. He further contended that all the co-accused, namely Amit son of Naresh, Rakesh alias Kala, Ravi, Amit son of Satyawar and Ajay alias Kaira have been granted regular bail by the learned Sessions Judge, Jhajjar. But this concession was wrongly denied to the petitioner even though no role in the occurrence has been attributed to him. He further contended that firing of the shot has been attributed to co-accused Ajay alias Kaira, who has already been admitted to bail. The petitioner is in custody since 16.2.2015 i.e. for the last more than three months and is entitled for grant of regular bail.

4. On the other hand, learned State counsel contended that one another case is pending against the petitioner. He has participated in the serious occurrence. So, he does not deserve the concession of bail.

5. I have duly considered the aforesaid contentions.

6. Mere pendency of another case is not a ground to decline the bail. This fact is not disputed that the petitioner was not armed with any weapon. He has also not been attributed with any injury to the complainant or his brother. The main accused Ajay alias Kaira, to whom the firing of the shot was attributed, has already been admitted to bail by the learned Sessions Judge, Jhajjar. Even the other co-accused Amit son of Naresh, Amit son of Satyawar, Ravi and Rakesh alias Kala have also been granted bail by the learned Sessions Judge. So there was no

reason to deny the similar concession to the petitioner.

7. In view of the above circumstances, without expressing anything on the merits of the case, the present petition is hereby allowed. The petitioner is admitted to regular bail on his furnishing bail bonds & surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jhajjar.

(Darshan Singh)
Judge

May 27, 2015

“DK”