

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-21050 of 2015 (O&M)
Date of Decision: 07.07.2015

Ravi Rathi

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Jitender S. Chahal, Advocate for the petitioner.

Mr. M.S. Sidhu, Addl. A.G., Haryana.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No. 6 dated 9.1.2015 under Sections 387, 307, 452, 506, 120-B I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, Bilaspur, District Yamuna Nagar.

Counsel for the parties have been heard.

Complainant in the present case is Ajay Bakshi. As per allegations the occurrence is stated to be of 9.1.2015 when at about 6.15 p.m while Ajay Bakshi and his brother Hitesh Bakshi were present in their shop attending the customers, accused Gurmeet Singh (non-applicant) alighted from an Alto car holding a pistol in his hand and fired shots towards the complainant and his brother with an intention to kill. The motive attributed by the complainant is with regard to not having paid ransom money to Gurmeet Singh.

Present petitioner was arrested on 10.1.2015.

It would be pertinent to observe that the name of the present petitioner does not even figure in the F.I.R. He is sought to be implicated on

the disclosure statement of co-accused Gurmeet Singh against whom the primary allegations are targeted. Even as per such disclosure statement, the present petitioner was driving the Alto car from which main accused Gurmeet Singh had alighted and thereafter had fired shots at the complainant as also his brother.

In response to a specific query having been put, learned State counsel upon instructions from ASI Labh Singh would concede that the recovery of the weapon has been effected from Gurmeet Singh and not from the present petitioner. State counsel has further stated that investigation in the present case having been completed, challan was presented on 5.3.2015.

The trial is still at the initial stage and would take time to conclude.

Even though, in the order dated 3.6.2015, passed by learned Additional Sessions Judge, Yamunanagar at Jagadhari declining the concession of bail to the petitioner, it has been mentioned that the present petitioner is involved in another F.I.R No.241 dated 10.12.2013 under sections 148, 149, 323, 452, 427, 307 I.P.C and section 25 of Arms Act registered at Police Station, Bilaspur, yet, counsel for the petitioner has produced in Court today copy of decision dated 24.12.2014, passed by learned Sessions Judge, Yamunanagar at Jagadhari, whereby the present petitioner as also other co-accused have earned acquittal.

In the totality of circumstances noticed herein above, petitioner is held entitled to the concession of bail. Petition, accordingly, is allowed.

Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Yamuna Nagar.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.07.2015
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