

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 7040 of 2015.
Date of Decision : 20.03.2015.

Naresh @ Narra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Ram Bilas Gupta, Advocate for the petitioner.

Mr. Satish Saini, Deputy Advocate General, Haryana.

Mr. K.S. Dhaliwal, Advocate for the complainant.

Tejinder Singh Dhindsa, J. (Oral)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner in case FIR No. 476, dated 25.11.2014, under Sections 307, 34 IPC and Sections 25, 54, 59 of Arms Act (Section 120-B IPC added later on), registered at Police Station Saran, District Faridabad.

Learned counsel for the parties have been heard.

The FIR was registered on the statement of Desh Raj. The alleged occurrence is stated to be of 24.11.2014 when at about 9.00 p.m. complainant along with his brother Pankaj were at their Kariyana Shop then two unidentified young boys entered the shop and opened fire on account of which, Pankaj suffered gun shot injuries. The two unidentified boys as per version of the complainant thereafter ran away and escaped on a motorcycle which was being driven by the 3rd accomplice.

It has gone uncontroverted that during the investigation of the case, the gun shot injuries were found to be caused by co-accused Arun @ Matroo and Nitin Bhadana.

Insofar as the present petitioner is concerned, as per investigating agency, a Car was recovered from him and it was stated to have been used in the occurrence and upon which co-accused Arun @ Matroo and Nitin Bhadana had escaped. This version is at complete variance with that of the complainant i.e. Desh Raj, who has stated that the two assailants after having injured his brother, namely, Pankaj had escaped on a motorcycle.

It is the conceded case that no recovery of any firearm has been effected from the present petitioner.

The petitioner has been in custody since 30.11.2014 and the trial is still at the initial stage.

In the totality of circumstances, the petitioner is held entitled to the benefit of regular bail.

The petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Faridabad.

Disposed of.

March 20, 2015.
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(TEJINDER SINGH DHINDSA)
JUDGE