

**227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.16039 of 2018

DATE OF DECISION:05.10.2018

Vipin @ Kacha

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.602, dated 19.09.2017, registered under Sections 307/34 of Indian Penal Code & Section 25 of the Arms Act at Police Station Sonipat City, District Sonapat.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the case whereas there was previous enmity between the petitioner and the complainant. The alleged incident has occurred at a busy road but no independent witness was joined in the investigation. Learned counsel also submits even the police personnel were present at the nearby place of the occurrence. Co-accused of the petitioner namely Sachin has already been released on regular bail by the trial Court. It is not a injury case and all material witnesses have been examined including the complainant. As on today there is no other case pending against him as out of total three cases including the present one, in two

cases he has been acquitted. The petitioner is in custody for more than one year.

Learned State counsel has not disputed for the custody period but opposes the submissions made by learned counsel for the petitioner. The status of trial has also not been disputed. Learned State counsel submits that parity cannot be claimed in this case as co-accused was driver of the scooty and petitioner fired shot.

Heard arguments of learned counsel for the petitioner as well as learned State counsel. I have also perused the contents of the FIR and other documents on the file.

By considering that the petitioner is in custody for more than one year and also the fact that it is no injury case; co-accused has been released on regular bail; there is no other case pending against him and that out of total fifteen Pws, five have been examined including the complainant, the petition is allowed. The petitioner, namely, Vipin @ Kacha is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case the petitioner is found to be involved in some other case of similar nature in future, the State is at liberty to move an application for cancellation of bail granted to the petitioner.

05.10.2018
rimpal

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No