

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-23068-2018

Date of Decision: 10.12.2018

Pehlad @ Prahlad

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Jainainder Saini, Advocate for the petitioner.

Mr. PK Garg, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-Pehlad @ Prahlad, has prayed for grant of regular bail in case FIR No. 312 dated 07.11.2017, registered under Sections 307 and 120-B read with Section 34 IPC and Section 25 of the Arms Act [Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, added later on] at Police Station Adampur, Hisar.

According to the prosecution, in the evening of 06.11.2017, the petitioner along with his accomplice, namely; Amit and Ajay Khichad, came in front of the house of complainant on two motorcycles and fired on him. They even chased the complainant, when he tried to escape. While the complainant was hiding in the house of his uncle, they again fired upon him and ran away on obstruction by Pawan, cousin of the complainant.

Learned counsel *inter alia* contends that no specific role has

been attributed to the petitioner. The alleged fire arm injuries were attributed to co-accused-Amit. Petitioner is in custody since, 12.01.2018. One more co-accused, namely; Ajay Khichad, has recently been arrested. Therefore, the police is going to file supplementary challan against him, which would result in *de novo* of trial against the petitioner, which is already going on and would take sufficient long time to conclude. No useful purpose would be served by detaining the petitioner in jail.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Pehlad @ Prahlad, is ordered to be released on bail pending trial, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

December 10, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No