

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-34621-2018

Date of decision: 25.09.2018

Virender Partap @ Kala

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. SS Jattan, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-Virender Partap @ Kala, has prayed for grant of regular bail in case FIR No. 826 dated 27.05.2017 registered under Sections 148, 149, 201, 307, 450, 506 and 120-B IPC and Section 25 of the Arms Act at Police Station City Jagadhri, District Yamuna Nagar.

According to the prosecution, in the evening of 26.05.2017, co-accused of the petitioner, namely Surya Pratap Singh and this three accomplice, armed with fire arms, on conspiracy and direction of the petitioner, indiscriminately fired upon complainant-Rajinder Singh @ Raja and his partner-Sanjeev Gupta, with an intention to kill them. Shots fired by co-accused Surya Pratap Singh, on bail, being a juvenile, hit the

left hand finger and left thigh of complainant. Companions of Surya Pratap Singh, also fired gun shots towards complainant and Sanjeev Gupta. Resultantly, one shot hit left leg of Sanjeev Gupta. At that time, one of the accomplices of juvenile Surya Pratap Singh, was standing outside a car. After committing crime, they fled away from the spot.

Learned counsel for the petitioner *inter alia* contends that petitioner was in jail at the time of alleged occurrence. He was joined in the investigation of this case, after obtaining his production warrants. Two co-accused of the petitioner, namely; Vainket Garg and Ravinder Singh S/o Sat Pal, have already been granted bail, whereas another co-accused, namely; Surya Pratap Singh has been granted bail being a juvenile. The petitioner has falsely been booked in this case on the alleged disclosure statement of his co-accused, which is a very weak type of evidence. Petitioner was arrested on 30.05.2017 on production warrants. Conclusion of trial may take a long time. No useful purpose would be served by detaining him in jail. Thus, treating the case of the petitioner on the same parity, he may be granted the concession of regular bail.

On the other hand, learned State counsel vehemently opposed the above submission 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-Virender Partap @ Kala, is ordered to be released on bail pending trial, treating his case on the same parity as that

of his co-accused, namely; Vainket Garg, Ravinder Singh S/o Sat Pal and Surya Pratap Singh, on his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

September 25, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No