

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

**CRM-M No.184 of 2019
Decided on: 14.03.2019**

Sanjeet

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vishwajeet, Advocate
for Mr. Vikram Singh, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.604 dated 07.07.2018, for offence punishable under Sections 307 of the Indian Penal Code (in short 'IPC') and 25, 27 of the Arms Act, registered at Police Station Model Town Panipat, District Panipat.

As per the allegations in the FIR, which was got registered by one Pardeep, it is stated on 06.07.2018, in the office of Parveen son of Dharambir, Amit son of Suraj Bhan, Nishant, Deepak, Rajinder and Sanjeet were sitting together and were having meals and drinks and at about 10:00 pm, Nishant and Amit started for their house from the office and thereafter, an altercation took place between Sanjeet and Deepak and the complainant and Deepak came outside thereafter and Sanjeet while keeping a grudge came out and gave a slap to Deepak and

by taking out the revolver from the right side pocket of the trouser of Deepak fired a shot with intention to kill him, which hit Deepak on his right side of the chest and he fell down and at that time, Rajinder and Parveen were inside the office. The complainant took the injured Deepak to Park Hospital for treatment where the doctor referred him to Delhi for further treatment.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 16.07.2018 and the prosecution has examined the persons named in the FIR but PW3 – Pardeep Kumar and PW4 – Parveen, have not supported the prosecution version. It is further submitted that the victim – Deepak has appeared as PW8 and has also not supported the prosecution version and rather stated that he has seen the accused – Sanjeet in the Court and he did not open fire upon him. This witness was declared as hostile and when confronted with his version given to the police, he has even denied the same.

Counsel for the State, on instructions from ASI Devender Kumar, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 16.07.2018; some of the witnesses of the prosecution have already been declared hostile as noticed above and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for

cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

14.03.2019

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