

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

CRM-M No.2304 of 2019

Date of Decision:.11.04.2019

Rajeev @ Raju

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Simranjot Singh, Advocate for
Mr. P.S.Khurana, Advocate for the petitioner.
Mr. Yashwider Singh, DAG, Haryana.
Mr. Sushil Jain, Advocate for complainant.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of bail pending trial to the petitioner in case FIR No.30 dated 19.01.2018, under Sections 307,341,120-B/34 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25/27/54//59 of Arms Act, 1959 registered at Police Station City Rai, District Sonipat.

As per the FIR, on 19.01.2018 complainant Sahdev son of Maidhan made a statement to SHO Police Station Rai, District Sonipat to the effect that his younger brother Vikram (Bittu) had a dispute over some issue with Raju @ Rajeev son of Om Parkash (petitioner). On 18.01.2018, when he was coming home from Basaudi to Badauli then at about 08:00 pm, Vikram along with Rajiv @ Raju, Sandeep @ Sada, Rajiv's brother in

Santro Car and 2/3 more persons in a Scorpio and Eco Van came there and parked the Scorpio Vehicle in front of Santro Car, thereby blocking his way and Sandeep @ Sada and Rajiv @ Raju started firing on my brother with their respective weapons. The gun shot fired by the petitioner did not hit my brother rather the shot fired by Sandeep @ Soda hit on the chest of my brother. As the complainant was coming on motorcycle from behind and then he picked up his brother and took him to hospital for treatment. All the accused ran away from the spot in their vehicles with respective weapons.

It is contended by learned Counsel for the petitioner that he is in custody since 24.01.2018 and after completion of the investigation, charges in this case were framed on 08.06.2018, but till date no prosecution evidence has been examined despite the fact that three opportunities were granted.

On the other hand, learned State counsel, on instructions from ASI Amandeep has apprised the Court that petitioner is the main accused who has fired a gun shot injury and, therefore, does not deserves the concession of bail.

Learned counsel for the complainant has also tried to oppose the bail application while submitting that an FIR No.114 dated 13.03.2019, under Section 376 and other ancillary offences has been registered at Police Station Rai, District Sonipat at the instance of Deep Mala wife of the petitioner to put pressure upon the complainant side to withdraw FIR No. 30 dated 19.01.2018.

Heard both sides and perused the paper book.

Undisputedly, the petitioner is in custody since 24.01.2018 and as per the allegations in the FIR, he fired a gun shot to the injured, which

missed, but the fact remains that after framing of the charges on 08.06.2018, three opportunities have been granted to the prosecution, but not even a single witness has been examined and now the case is fixed for 30.05.2019 as such the trial will take a long time. So far as the allegation of the complainant that FIR No.114 dated 13.03.2019 has been registered as a counter blast, this Court will not express any opinion in this regard as the investigation in that case is still pending and the same will take its own course.

In view of the facts of the present case that petitioner is in custody for the last more than one year and three months, this Court deems it appropriate to release him on bail pending trial. Therefore, this petition is allowed and petitioner- Rajeev @ Raju is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

However, it is clarified that if petitioner is involved in any criminal activity, complainant as well as prosecution would be at liberty to move an appropriate application before this Court for recalling of this order.

The above observations may not be construed as an expression of opinion on merits of case.

11.04.2019
mamta

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>