

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-5543-2019 (O&M)
Date of Decision:- 11.2.2019

Rajesh @ Khali

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.N. Lohan, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

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GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.101 dated 7.4.2018 at Police Station Uchana, District Jind under Sections 307, 323, 341 and 34 of Indian Penal Code, 1860 and Sections 25/54/59 of Arms Act, 1959.

The FIR was registered at the instance of Joginder Singh, wherein it has been alleged that on the day of occurrence when he alongwith his cousin Sonu and Amit Kumar @ Moti were going for practice in a 'GYM' of the school, then Rajesh @ Khali and Ram Niwas @ Niwasa came there on a motorcycle, which was being driven by Rajesh @ Khali. Ram Niwas @ Niwasa, who was sitting on the pillion seat, was carrying a gun. Rajesh @ Khali exhorted Ram Niwas @ Niwasa to fire and thereafter Ram Niwas @ Niwasa fired at Sonu, who fell down on the ground and was

injured.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that in any case, he was admittedly unarmed and is attributed a '*lalkara*' only.

Opposing the petition, the learned State counsel has submitted that the complicity of the petitioner is evident from the fact that he had come alongwith co-accused Ram Niwas @ Niwasa on a motorcycle and it was upon his exhorting Ram Niwas @ Niwasa that Ram Niwas @ Niwasa fired at Sonu, resulting in injuries to him. It has, however, been informed by the learned State counsel that the petitioner has been behind bars since the last about nine months and that although charges have been framed, but no prosecution witness has been examined so far.

Having considered rival submissions addressed before this Court and while bearing in mind the fact that the petitioner is not attributed any injury and is stated to have raised a '*lalkara*' only and has been behind bars since the last about nine months and that the recording of prosecution evidence is yet to commence, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Rajesh @ Khali is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

11.2.2019

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**