

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

CRM-M-10007-2019
Date of decision:26.3.2019

Rakesh @ Rakku

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Neeraj Sheoran, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.416 dated 7.7.2018 under Sections 307, 506, 120-B, 384 of Indian Penal Code, 1860, Police Station Samalkha, District Panipat.
2. The FIR was registered at the instance of Ajit wherein he has alleged that on 6.7.2018, at about 10:20 PM one unknown boy came to his house and called him while standing at the gate and fired three shots towards house while abusing him. When other members of the family heard the sound of gun fire, they all came out towards the street and saw one boy running in the street. When

the neighbours called out, he again fired twice. It is alleged that there were two boys seen in the adjacent street. Complainant has alleged that attempts had been made to kill him earlier and he had received threatening calls.

3. Learned counsel for the petitioner submitted that he has falsely been implicated and is not named in the FIR. It has further been submitted that the police has arrested as many as 7 accused in the present case despite the fact that only two are stated to be involved in the incident of firing as per the FIR. It is further submitted that even if the contents of the FIR are taken to be correct, still not even a single person has been injured despite firing of 5 shots.
4. Opposing the petition, learned State counsel submitted that initially Vikas and Sachin were arrested on 10.07.2018 and that a pistol of .315 bore was recovered from Sachin while another pistol of .32 bore was recovered from Vikas. It is further been informed that during investigation accused Parsan @ Lamboo and Puneet were also arrested. It has further been submitted that during investigation, complainant produced a mobile recording on 27.10.2018 in which, Anchal and other accused were heard threatening the complainant and it was thereafter on 20.11.2018 that Anchal and Rakesh were also arrested and thereafter Rakesh @ Rakku i.e. present petitioner suffered a disclosure statement to the effect that he had contacted Sachin and Vikas to kill complainant-Ajit on the asking of Anchal. It has further been submitted that country made pistol was recovered from Rakesh @ Rakku. It has

thus been prayed that no case for grant of bail is made out.

5. Having considered rival submissions addressed before this Court and bearing in mind the fact that it is a case where no one was injured despite the fact that 5 gun shots had been fired from close range and also while noticing that it is a case where challan has been presented but not even a single witness out of cited 19 PWs has been examined, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

26.3.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No