

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

**CRM-M No. 12095 of 2019
Date of Decision:-14.05.2019**

Lokesh and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Abhishek Goyal, Advocate
for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioners Lokesh and Anil alias Lucky have filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.252 dated 27.9.2018, under Sections 148, 149, 323, 506, 365, 307 and 325 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Chhainsa, District Faridabad.

The present FIR was recorded on the basis of statement of complainant Ankit s/o Rajender to the effect that on 26.9.2018 at about 6 pm in evening, he alongwith Ashok @ Bhajji s/o Dhani Ram and Vijay s/o Mahavir went to Pushak Temple for doing aarti. After doing the puja when they were sitting with the priest at about 7.15 p.m., one white colour Maruti

Swift Dzire car bearing registration No.DL1C-0398 came there, from which 5-6 persons alighted. Anil and Sunil asked other companions/co-accused to kill complainant Ankit, Bhajji and Vijay. Accused Sunil and Anil were having pistol in their hands and accused Lokesh @ Lukka was having countrymade pistol in his hand. All of them fired towards the complainant and his companions. They all ran to save their life. After a while, when complainant and Ashok @ Bhajji looked behind, the accused persons were beating Vijay s/o Mahavir with danda and thereafter they put him in the car and after some distance they thrown out him from the moving car and threatened to kill him. In this background, the FIR was registered against the accused persons.

Learned counsel for the petitioners contends that the petitioners are in custody for the last more than 08 months and the prosecution has examined seven witnesses so far. It is pointed out that the offence punishable under Section 307 IPC was added for the alleged use of gun shots, which did not cause any injury to anyone. According to him it is seriously debatable as to whether the offence under Section 307 IPC is made out.

On the other hand, learned State counsel, assisted by SI Pardeep Kumar opposed the bail application on the ground that the offences are serious and the petitioners are involved in other cases as well. However, it is not disputed that no injury was caused to anyone from the alleged gun shot firing. It is also not disputed that by now only seven witnesses have been examined out of total 19 witnesses.

At this stage, learned counsel for the petitioners contends that the complainant/victim and other material witnesses have been examined. The remaining witnesses are the police officials and, therefore, there is no possibility of their being won over.

Learned State counsel has also not disputed the fact that the complainant/victim has already been examined in this case.

Considering the above background and the fact that out of total 19 prosecution witnesses only 07 have been examined and rest of the witnesses are to be examined, which is likely to consume some time, further detention of the petitioners may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

May 14, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No