

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

CRM-M-14690-2019 (O&M)
Date of Decision:-4.4.2019

Vikram @ Sukha

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kamaljeet Kaur Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.81 dated 1.6.2018 at Police Station Alewa, District Jind (Haryana) under Sections 307,120-B and 34 of Indian Penal Code, 1860 and Section 25/54/59 of Arms Act, 1959.

The FIR was lodged at the instance of Rajesh wherein it has been alleged that on 1.6.2018 at about 5.00 P.M. when he was irrigating his fields alongwith his helper, then 4 young boys came on a motorcycle and asked him the way to Thua. The complainant guided them. However, Raja son of Rameshwar fired a gun shot hitting him on his right knee. Amar fired

another gun shot towards him, which did not hit him. All the said boys tried to catch hold of the complainant but he fled away from the spot. It is alleged that thereafter Raja, Amar and other two unknown boys ran away on their motorcycle. It is, however, the case of the prosecution that subsequently on the same day itself, the complainant upon reaching police station identified Vikram and Abhijeet to be the other two boys who had attacked him. He further stated therein that while Abhijeet was driving the motorcycle, Vikram and Amar had fired on him.

Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in the present case and that in fact when the complainant stepped into the witness box, he categorically stated that he does not know who the assailants were as they were with muffled faces. In this context, the learned counsel for the petitioner has drawn the attention of this Court to the statement of PW1 Rajesh (complainant), annexed with his petition as Annexure P-3.

Opposing the petition, the learned State counsel has informed that the petitioner is involved in three other cases and that in view of the seriousness of the offence, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since the last about 9 months and till date, only 3 witnesses, out of 35 cited witnesses, have been examined.

Having regard to the facts and circumstances of the case and bearing in mind the fact that the complainant, while in the witness box has not identified the petitioner to be his assailant and also that petitioner has been behind the bars since for the last about 9 months and only 3

prosecution witnesses, out of 35, have been examined, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner Vikram @ Sukha 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.

The present petition stands accepted accordingly.

4.4.2019

rakesh

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No