

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

CRM-M No.46336 of 2018

Date of Decision:..11.04.2019

Sandeep @ Sanda

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Bijender Dhankhar, 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 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 brother Vikram already had a dispute over some issue with Raju @ Rajeev son of Om Parkash and on 18.01.2018, when he was coming home from Basaudi to Badauli then at about 08:00 pm Vikram in his SANTRO car in village Basaudi with Rajiv @ Raju, Sandeep @ Sada,

CRM-M No.46336 of 2018

Rajiv's brother and 2/3 more persons along with him in a SCORPIO and ECO Van, parked the SCORPIO in front of SANTRO blocking his way, Sandeep @ Sada and Rajiv @ Raju opened gun shots on Vikram with their weapons. Gun shot of Rajiv @ Raju did not hit and the gun shot of Sandeep @ Sada hit his brother in his chest. 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 with their respective weapons.

It is contended by learned Counsel for the petitioner that the petitioner is in custody w.e.f 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.

Learned counsel for the complainant has also tried to oppose the bail application by submitting that an FIR No.114 dated 13.03.2019, under Sections 376 and other ancillary offences registered at Police Station Rai, District Sonipat has been registered at the instance of Deepmala wife of accused Raju to put pressure upon the complainant side.

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, but the fact remains that despite three opportunities granted for nine months, not even a single witness has been examined. Now the case is fixed for

CRM-M No.46336 of 2018

30.05.2019 and as such the prosecution is unnecessarily delaying the trial and prolonging the custody of petitioner. 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 and that 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- Sandeep @ Sanda 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>