

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

**CRM-M No. 50125 of 2018
Date of Decision:-11.01.2019**

Naresh @ Neshu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Amit Khatkar, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Naresh @ Neshu has preferred this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.159 dated 27.3.2018, under Sections 294, 307 and 323 read with Section 34 IPC and under Section 25 of the Arms Act, 1959, registered at Police Station Safidon, District Jind.

The FIR was registered against the petitioner on the basis of statement of Sanjay s/o Dilbagh, wherein, it is alleged that on 27.3.2018 he went to college and saw Ankit and Bablu catching neck of his friend Anmol. The complainant intervened and rescued Anmol from their clutches and found that said Bablu was under intoxication. Later on when

complainant Sanjay was going in a car alongwith his friend Parduman, then Ankit, Naresh @ Neshu and Bablu came in another car. On seeing them, the complainant asked the reason for abusing him and gave a *daang* blow to Ankit. At that stage, Naresh Pulled out a pistol and fired three shots near the legs, which did not hit the complainant. After firing, certain other friends of the complainant came at the spot and they snatched the pistol from the petitioner and beatings were given to the accused.

Learned counsel for the petitioner contends that it is the complainant who had opened the attack by giving *danda* blow on the head of Ankit and the alleged firing was not aimed at the complainant Sanjay and no injury has been suffered by him. The petitioner is in custody since the day of arrest i.e. 18.5.2018. It is also argued that the complainant has already been examined, who has not supported the prosecution case as he has been declared hostile.

On the other hand, learned State counsel has opposed the bail application on the ground that the offences are grave in nature. In all there are 17 prosecution witnesses and only one witness has been examined so far. However, it is not disputed that the said witness has not supported the case of the prosecution as this fact is recorded in the order passed by the Additional Sessions Judge, Jind while declining the bail application of the petitioner.

Considering the custodial period of the petitioner, status of the case, and the fact that the complainant has already been examined, further detention of the petitioner is not justified. Without commenting anything

upon merits of the case and considering the fact that the trial is likely to consume considerable time, the petitioner, namely, Naresh @ Neshu is ordered to be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

January 11, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No