

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

207

**CRM-M-26192 of 2019
Date of Decision: 22.11.2019.**

Vikas alias Vicky

....Petitioner.

Versus

State of Haryana

....Respondent.

CRM-M-47635 of 2019

Ankit

....Petitioner

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Deepak Sonak, Advocate
for the petitioner (in CRM-M-26192-2019).

Mr. Rajesh Goyal, Advocate for
Mr. Nitish Yadav, Advocate
for the petitioner (in CRM-M-47635-2019).

Mr. Munish Sharma, Assistant Advocate General, Haryana.

Surinder Gupta, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.84 dated 31.03.2018 registered for the offences punishable under Sections 307, 115, 325, 120-B and 34 of Indian Penal Code and 25 of Arms Act, at Police Station Khol, District Rewari.

As per allegations, the FIR has been registered against the petitioners and other accused who were present near the liquor vend.

Accused Sanjeev son of Hari Om called Sanjay Kumar to one side where

accused Vicky, Ankit and one other person were already standing. Accused Vicky fired shot at Sanjay Kumar, who rushed back to the liquor vend and fell down. He was picked up by the employees there and taken to the hospital.

Learned counsel for the petitioners seeks regular bail for the petitioners on the ground that the petitioners were arrested about 11 months back. After presentation of challan, no witness has been examined so far. Co-accused, namely, Deepak has been allowed regular bail. Learned counsel for petitioners further submits that as per allegation of prosecution the petitioners have fired shot from their weapon but the same did not hit anybody and veracity of prosecution version will be tested during trial. Petitioners have been in custody since 13.06.2018 and trial of case will take long time.

Learned State counsel submitted that the main accused in this case is Vicky who fired at Sanjay Kumar. So far as accused Deepak is concerned, case of petitioners have no parity with the case of Deepak as he was not attributed any injury to complainant.

At this stage, learned counsel for petitioner-Vikas alias Vicky seeks permission to withdraw the petition (CRM-M-26192-2019).

Dismissed as withdrawn.

I have gone through the report of trial Court stating that till date no witness has been examined. On 25.07.2019, only four witnesses, namely, Jaswant, Shyam Sunder, Parveen and Sanjeet were present but were not examined as supplementary challan against co-accused was produced on 05.10.2019 and has been tagged with the main case.

Coming to the case of petitioner-Ankit (CRM-M-47635-2019) but without expressing any opinion on merits of the case and keeping in view the above facts, the petition is allowed. Petitioner Ankit is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without prior permission of the Court.

(SURINDER GUPTA)
JUDGE

22.11.2019

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No