

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

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CRM-M-37405-2019(O & M)
Date of Decision:18.10.2019

Ashok @ Shoki

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sunil Saharan, Advocate for the petitioner.

Mr. Sanjay Kumar Saini, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.57 dated 16.03.2019, under Sections 307, 34 IPC, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Adampur, District Hisar. Petitioner is in custody since his arrest on 25.03.2019.

The FIR was lodged by Ravinder Kumar, wherein it was alleged that on 15.03.2019, he went to the shop of Mukesh barber and when he was talking to him then two boys came on motorcycle from the side of the school. The face of the driver was muffled, who after stopping the motorcycle asked the driver to shoot him. According to the complainant, the pillion rider fired at him which hit him on his left hand fingers. Upon raising noise, assailants ran away on their motorcycle. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the petitioner was already in custody in case FIR No.56 dated 16.03.2019 under Sections 147, 149, 323, 325, 506 IPC and Section 25 of the Arms Act and he was falsely implicated in the instant case on the basis of disclosure suffered by co-accused Mukesh and Yash. He submits that the said persons have already been discharged by the trial court vide order dated 22.05.2019. He further contends that the investigation of the case is complete and the final report stands filed on 24.07.2019 and charges were framed on 19.08.2019. According to him, the trial is likely to consume considerable time and further custody of the petitioner may not be justified.

On the other hand, learned State counsel assisted by ASI Sahib Ram has opposed the bail application on the ground that after the occurrence, on the next date, father of the victim got a statement recorded under Section 161 Cr.P.C. and narrated the previous enmity between the victim and the petitioner. He submits that the offence is serious and the petition deserves to be dismissed.

After hearing learned counsel for the parties, this Court does not find any valid reason to further detain the petitioner in custody, as the trial is likely to consume considerable time. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

18.10.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No