

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48639-2019

Date of Decision: 21.11.2019

Navin

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.P. Jangu, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in a case FIR No.5 dated 07.01.2019, under Sections 148, 149 and 307 IPC, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Kasola, District Rewari. He is in custody since his arrest on 29.10.2019.

The FIR in the present case was registered on the statement of complainant Satbir @ Lala, wherein it was stated that on 07.01.2019 at about 2 O'clock, when he along with Amit was present behind the temple of village Aaslwas, 10 persons came there in different vehicles, which included Ramesh (Bhoga), Naveen, Manoj @ Harsh Bhoraaj, Mohan, (Moni), residents of village Aaslwas and Bhrampal (Happy), Aman, Parkash and Tinku. Ramesh (Bhoga) and another person also opened fire twice upon the complainant. Accused Navin and Brahampal (Happy) were also having country made pistol with them. The complainant saved himself by running away.

Learned counsel for the petitioner contends that in the alleged occurrence, the gun shots were fired by Ramesh (Bhoga) and one another person Brahampal (Happy). However, as per the FIR, the petitioner was carrying a weapon, but he did not fire any shot upon the victim/complainant. Apart from it, it is submitted that no injury was suffered by the victim in the said occurrence and one of the co-accused, namely, Ramesh @ Bhoga has already been extended the concession of interim pre-arrest bail by this Court vide order dated 08.05.2019 passed in CRM-M-20892-2019. He submits that the petitioner is not required for any investigation.

On the other hand, learned State counsel assisted by SI Sube Singh has opposed the prayer, however, it is not disputed that no injury was suffered by the victim and the co-accused has already been granted the concession of interim pre arrest bail.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Resultantly, 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, Rewari.

The petition is allowed.

21.11.2019

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No