

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-508-2020

Date of Decision: 15.01.2020

Vikram

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mohit Nehra, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.321 dated 19.07.2018, under Sections 148, 149, 323, 307, 379-B, 386, 427 and 506 IPC and Section 25 Arms Act, registered at Police Station Tosham, District Bhiwani. He is in custody since his arrest on 27.04.2019.

The FIR was registered on the statement of complainant Mukesh Kumar, wherein it was alleged that he was working as incharge at liquor vend, whereas Sandeep was the second incharge at the said liquor vend. On the date of occurrence, when the complainant, Sandeep, Ramphal and Ram Chander (salesman) were present at the place of liquor vend then few vehicles (Bolero and Bolero Camper) and motorcycles carrying Dholu @ Mandeep, Minti, Mina @ Manjit, Vikram, Jaibir, Vikas @ Dholu and 15-20 persons came there. Minti and Dholu @ Mandeep were armed with pistols and the other accused were armed with sword, lathi and dandas. The assailants caused injuries to Ram Chander (salesman) with sword, lathi and dandas and gunshots were fired by Minti and Dholu @ Mandeep upon Ram

Chander, however, he escaped. The assailants had snatched ₹8500/- from the cash box and while leaving, they extended threats to the victims. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that though no injury was caused to invite the offence punishable under Section 307 IPC, however, gunshots were fired by co-accused Minti and Dholu @ Mandeep, which did not hit Ram Chander. It is pointed out that co-accused of the petitioner have already been extended the concession of regular bail by this Court. He has produced the bail orders passed by this Court in respect of accused, namely, Anil @ Minti, Vikas @ Sonu, Jaibir, Bijender @ Gatru and Sunder @ Sunderiya. He further submits that the investigation of the case is complete and the final report was filed in June, 2019, however, the charges are yet to be framed. According to him, the trial is likely to take some time, therefore, further custody of the petitioner may not be required.

On the other hand, learned State counsel assisted by ASI Anand Kumar has argued that the petitioner is specifically named in the FIR and he participated in the crime. However, she does not dispute that the allegations of firing have been attributed to co-accused Minti and Dholu @ Mandeep. She also does not dispute that the co-accused of the petitioners have already been released on regular bail by this Court.

Considering the above and the fact that the case of the petitioner is at par with the other co-accused, who have been released on bail, and keeping in view the fact that the trial is likely to consume considerable time, this Court is of the opinion that further detention of the petitioner 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 Bhiwani.

The petition is allowed.

15.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No