

214

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

**CRM-M No.690 of 2020
Date of Decision: 10.02.2020**

Rahul

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Narender Kaajla, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.1082 dated 26.10.2018 registered under Sections 147, 148, 149, 307 IPC and Sections 25, 54, 59 of the Arms Act at Police Station Hisar Sadar.

As per allegations in the FIR, the occurrence took place on 25.10.2018 at about 8:30 PM, when the complainant after finishing his job of photography was returning to his house. Ravi and Kalu @ Ravi were accompanying him on the same motorcycle. When they reached near hostel on a canal, they

heard bang of shots fired at them from backside. Complainant stopped his motorcycle and found that the petitioner, Ajay @ Bittu, Rajesh, Parveen, Kala, Suraj and one fatty boy were standing. Fatty boy was having a pistol in his hand and he fired upon the complainant. Ravi and Kalu @ Ravi fled away from the spot. The complainant started running. Rajesh, Parveen and Kala also came from the opposite side and they struck the motorcycle with the complainant. Complainant again started running towards the hostel and entered into the premises and saved his life. Ultimately, he came to know that the petitioner, Ajay @ Bittu, Rajesh, Parveen, Kala, Suraj, Akshay and Arjun had fired shots at him and his companions namely Kalu and Ravi.

Subsequently, it was found that after the aforesaid incident, the petitioner along with Ajay @ Bittu, Akshay, Suraj and Suraj @ Bachi reached in front of the house of Harsh, where Sachin son of Bhim Singh was standing. Akshay opened fire upon him, but he escaped and the shot ultimately, hit two children namely Rohit and Harsh who were playing nearby.

The cumulative effect of both the incidents, *prima facie* does not implicate the petitioner in terms of firing at the complainant. In both the shoot out incidents, the complicity of the petitioner would remain debatable. In the first occurrence,

one fatty boy fired at the complainant, whereas in the second occurrence, Akshay opened fire, which ultimately, hit two children namely Rohit and Harsh.

Petitioner is in custody since 30.11.2018. After filing of the challan, charges have been framed. No prosecution witness has been examined so far. Ajay @ Bittu has already been granted regular bail vide order dated 24.01.2020 passed by this Court in CRM-M No.30461 of 2019.

In view of aforesaid situation, it would be just and appropriate to release the petitioner on regular bail.

In view of above, without meaning anything on merits of the case, the petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

10.02.2020

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No