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

**CRM-M No.1380 of 2020
Date of Decision: 20.01.2020**

UMESH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

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

Present: Mr. Prashant Singh Chauhan, Advocate
for the petitioner.

Mr. Anmol Malik, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.197 dated 14.11.2019, registered under Sections 307 and 34 IPC and under Section 25 of the Arms Act at Police Station Rampura, District Rewari.

The FIR was registered at the instance of Krishan Kumar. The allegations are that the complainant was called by Anil Kumar @ Commando to come on his plot. The complainant along with wife reached at the spot where Anil Kumar @ Commando, Harwinder @ Sonu and Umesh son of Mula Ram were present. Mahesh resident of Kattopur also met the

complainant party. Anil Kumar @ Commando took out his pistol and handed over the same to Harwinder @ Sonu and exhorted that the complainant is an informer of the Police and he be shot at. Harwinder @ Sonu fired upon the complainant which hit his left ear and the complainant fell down. Mahesh exhorted that the complainant is still alive and he asked Harwinder @ Sonu to fire again. The wife of the complainant intervened and due to her alarm, the family members of the complainant came to the spot and the accused fled away.

Learned counsel for the petitioner submitted that as per the allegations in the FIR, presence of the petitioner is shown to be at the spot. Petitioner is shown to be empty handed and no overt act has been attributed to him. Petitioner is in custody since 14.11.2019.

Learned State counsel on instructions from HC Jaideep submitted that challan has been presented and charges are yet to be framed.

In view of aforesaid position, since the challan has been presented, recoveries have been effected from the co-accused and the petitioner is shown to be empty handed without any overt act, therefore, at this stage, without forming any opinion on the merits of the case, I deem it appropriate to grant concession of regular bail to the petitioner.

Consequently, the petition is allowed. Petitioner is ordered to be released on 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.

January 20, 2020	(RAJ MOHAN SINGH)
Atik	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No