

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

**CRM-M No.1911 of 2020 (O&M)
Decided on: 23.01.2020**

Narender and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. B.S. Dhull, Advocate
for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioners under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.003 dated 08.01.2019, for offence punishable under Sections 307, 506, 109, 34 of the Indian Penal Code, 1860 (in short 'IPC') and 25, 29 of the Arms Act, 1959 registered at Police Station Narnaund, District Hisar.

Counsel for the petitioners has argued that the FIR was registered at the instance of one Ajay Kumar with the allegations that he was standing near a pond when two motocyclists, on which the petitioner – Narender and Surinder, came along with two more boys and fired upon him. The bullet hit on his left arm and thereafter, he jumped on the other side of the road and fell down. On hearing the noise of firing, his brother Sonu came and took him tot he hospital.

Counsel for the petitioners has further submitted that the complainant Ajay Kumar, was examined as PW5 before the trial Court

and in the statement, he has stated that the accused present in the Court are not the persons, who fired upon him. It is further stated that he could not identify the assailants, who were with muffled faces. This witness was declared hostile and in the cross-examination by the Public Prosecutor, he has even denied his statement made to the Police Ex.P3.

Counsel for the petitioners has also submitted that even the brother of Ajay Kumar namely Sonu, who is examined as PW6, has also not supported the prosecution version and he was also declared hostile and even denied his statement made before the police as Ex.PW6/A.

Counsel for the petitioners has further argued that petitioner No.1 – Narender is aged about 19 years whereas petitioner No.2 Naveen is aged about 18 years and they are in custody for the last more than 1 year and all the material witnesses have been examined and only the official witnesses remain to be examined. It is also submitted that both the petitioners are not involved in any other case.

Counsel for the State, on instructions from ASI Surinder and on the basis of the statement of PW5 and PW6, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioners are in custody for the last more than 1 year; challan stands presented; only official witnesses remain to be examined; the petitioners are not involved in any other case; the custodial interrogation of the petitioners is not required and it will take some time in conclusion of the trial, this petition is allowed and the petitioners are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq

Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

23.01.2020
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No