

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

217

**CRM-M-2522-2020
Date of Decision : 11.02.2020**

Deepak

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Munish Kumar Garg, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.172 dated 01.08.2019 registered under Sections 307, 148 and 149 of the Indian Penal Code, 1860 (for short 'the IPC') and Section 25 of the Arms Act, 1959 at Police Station Julana, District Jind.

Briefly stated, the above-said FIR was registered on statement of Shishpal @ Pali who alleged that he and his brothers-Jaipal and Bhopal are living together and he is doing agricultural work and having share in all the liquor vending shops of Julana. On 31.07.2019 at around 8/9 p.m. he received phone call from accused Vijay @ Jadeja challenging him to come to his wine shop on which he along with his partner Krishan, Vicky Ganja, Sandeep @ Sanda and Dhilla went to the above-said wine shop where accused Kuldeep, Vijay @ Jadeja, Pardeep, Takdir, Deepak and Rakesh were present. When they started moving towards the above-said accused, accused Takdir exhorted others to finish them all and accused Vijay and Kuldeep who were having pistols in their hand fired at them. The shot fired by Kuldeep struck him in his back while the shot fired by Vijay missed him. When his friends started shouting, the accused fled leaving their vehicles on the spot.

Learned State Counsel has appeared and opposed the bail application.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case by the police. No specific role has been attributed to the petitioner in the FIR and the injury on the person of Shishpal @ Pali declared to be dangerous to life is attributed to co-accused Kuldeep. The petitioner is in custody since 07.10.2019. Trial is likely to take long time as only three out of the nineteen witnesses have been examined so far. No purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the petitioner sharing common object with his co-accused formed unlawful assemble and actively participated in the commission of crime and in view of the gravity of accusation, the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, the fact that injury on the person of complainant-Shishpal @ Pali declared to be dangerous to life is not attributed to the petitioner and also the fact that the trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

11.02.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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