

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

205-3

CRM-M-3837-2020

Date of decision: 31.08.2020

Ashish

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Vikas P. Singh, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.217 dated 08.11.2019 registered under Sections 323, 307 and 120-B read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC") and Section 25 of the Arms Act, 1959 at Police Station Behal, District Bhiwani.

The above said FIR was registered on statement of Brijmohan who alleged that on 08.11.2019 at about 06:40 P.M. when he was sitting in his shop accused Sanjay came and fired two gun shots consecutively which passed by merely touching him due to which he suffered injuries on his shoulder, chest and other parts of his body. When his workers Ashish, Badri Prasad and Anil tried to catch accused Sanjay he escaped on motorcycle of a young boy who could not be identified.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel. However, no reply has been filed by the respondent-State.

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

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not named in the FIR. The petitioner was not even named in the disclosure statement of co-accused Vinod @ Dhyala. The petitioner has no concern with the alleged offences. Even as per the prosecution version, the petitioner was merely standing in the street with his motorcycle. Recovery of country made pistol and live cartridge was planted on him. The petitioner has been falsely implicated in another case of similar nature on the basis of alleged disclosure statement. Challan has been filed in the case but the trial is likely to take long time as the trial is yet to commence. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner along with his co-accused attempted to murder Brijmohan. The petitioner is also involved in one more case of similar nature. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation, role attributed to the petitioner and the fact that the trial

is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

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

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence after his release on bail and in case of commission of any similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed by the prosecution in this regard.

31.08.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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