

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

CRM-M-7609 of 2020

Date of Decision: 27.05.2020

Shankar @ Shanku

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Ms. Alisha Soni, Advocate
for the complainant.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Shankar @ Shanku** in case F.I.R. No.118 dated 19.03.2019 under Sections 307, 450 and 452 IPC read with Section 34 IPC (Section 120-B IPC added lateron) and Section 25 of Arms Act, registered at Police Station Urban Estate, Rohtak, District Rohtak.

Learned counsel for the petitioner *inter alia* contends that petitioner has no nexus whatsoever with the alleged offence. He further urges that complainant-Manbir and alleged eyewitnesses namely Sandeep, Naveen, Pardeep and Surender had named four persons namely

Rinku, Vicky, Rakesh and Aditya as assailants in the commission of alleged offence, in terms of which, FIR was registered. He further urges that name of petitioner surfaced for the first time in the supplementary statements of complainant-Manbir and his brother Satish and that too after seven days of alleged incident. He further urges that allegedly Countrymade Pistol (W/1) was recovered from the petitioner, whereas Countrymade Pistol (W/2) was recovered from co-accused Aman alias Rinku and during investigation fired bullet (BC/1), stated to have been taken out from the body of injured, six 9mm fired cartridge cases, three 9mm fired bullets, five jacket pieces of bullets and three lead pieces (cartridge cases C/1 to C/6 and bullets BC/1 to BC/4) recovered from spot were sent to Forensic Science Laboratory, Haryana, Madhuban, Karnal for analysis and in terms of FSL report dated 10.09.2019 (Annexure P/4), 9mm fired cartridge cases (C/1 to C/6) and 9mm fired bullets (BC/1 to BC/3) have been fired from Countrymade Pistol (W/2) allegedly recovered from co-accused Aman alias Rinku. He further urges that co-accused namely Vicky alias Mohit and Rakesh, named in the FIR, have already been granted bail by Trial Court, vide orders dated 07.11.2019 and 20.11.2019 respectively, whereas co-accused Sumit was also extended concession of bail by Trial Court, vide order dated 28.11.2019. He further submits that petitioner is in custody since 19.04.2019 and he is no more required by the Police for any investigation purpose. He further submits that after completion of investigation,

challan has already been presented in the Court and trial has commenced. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel assisted by learned counsel for the complainant while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 19.04.2019; that petitioner is no more required by the Investigating Agency for investigation purpose; that challan has already been presented in Court and trial has commenced and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Shankar @ Shanku** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Rohtak, as the case may be. However, petitioner has been given liberty to defer the furnishing of surety bond due to COVID-19 and he is directed

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to furnish the surety bond to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Rohtak, as the case may be, on culmination of nationwide lockdown due to COVID-19.

(LALIT BATRA)
JUDGE

27.05.2020

D.Bansal

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