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CRM-M-10021-2020  
& CRM-11203-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-10021-2020  
& CRM-11203-2020

Date of Decision: 22<sup>nd</sup> May, 2020

**Mahesh**

...Petitioner

Versus

**State of Haryana**

...Respondent

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

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

Mr. Apoorv Garg, DAG, Haryana.

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**AUGUSTINE GEORGE MASIH, J. (ORAL)**

**CRM-11203-2020**

Prayer in this application is for preponement of the hearing of  
the case as the next date of hearing fixed in the case is 06.07.2020.

Notice of the application to the Advocate General, Haryana.

On the asking of the Court, Mr. Apoorv Garg, Deputy  
Advocate General, Haryana, accepts notice on behalf of the State.

For the reasons mentioned in the application, the same is  
allowed. Hearing of the main case is preponed and the same is taken on  
board for consideration.

**CRM-M-10021-2020**

Petitioner has approached this Court for grant of regular bail

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by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.197, dated 14.11.2019, registered at Police Station Rampura, District Rewari, under Sections 307 and 34 of the Indian Penal Code and Section 25 of the Arms Act, 1959.

Counsel for the petitioner contends that the petitioner is in custody since 14.11.2019. It is asserted by the counsel that the petitioner has been attributed exhorting at the stage when after the shot was fired by co-accused Harwinder @ Sonu, the complainant was still found alive and he wanted another shot fired at him. He asserts that one of the co-accused, namely, Umesh has been granted the benefit of bail by this Court on 20.01.2020 in CRM-M-1380-2020 (Annexure P-3). Assertion has also been made that recovery of the alleged weapon which was used by Harwinder @ Sonu has been effected from co-accused Anil Kumar @ Commando. He asserts that no other overt act has been attributed to the petitioner except for the fact that he had exhorted Harwinder Singh @ Sonu to fire another shot at the complainant. He states that the trial is not likely to conclude soon and therefore, concession of regular bail may be granted to the petitioner.

Learned Deputy Advocate General, Haryana, on the other hand, submits that one country-made pistol and 20 cartridges along with one empty magazine have been recovered from the petitioner. He, however, could not dispute the fact that the said weapon is neither attributed to be used for the commission of present offence or that the said weapon was being carried by him at that moment. He, however, states that there is another case which has been registered against the petitioner under Section

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160 of the Indian Penal Code. He, therefore, prays that the bail may not be granted to the petitioner.

Having considered the submissions of the counsel for the parties and keeping in view the allegations against the petitioner, the period of custody he has already undergone and the fact that the trial is not likely to conclude in near future, which is now stated to be fixed before the trial Court on 10.08.2020, this criminal miscellaneous petition is allowed especially in the light of the fact that one of his co-accused has been granted bail by this Court on 20.01.2020 (Annexure P-2). The petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Rewari.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)  
JUDGE

22<sup>nd</sup> May, 2020  
Harish

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |