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

**CRM-M No.11151 of 2020 (O&M)
Date of Decision: 08.07.2020**

RAHUL MALIK AND ANOTHER

.....Petitioners

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Saurabh Sharma, Advocate
for the petitioners.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.486 dated 25.11.2018, registered under Sections 148, 149, 323, 324, 326, 452, 307 IPC and under Section 25 of the Arms Act at Police Station Kurukshetra University, District Kurukshetra.

Earlier petition bearing CRM-M No.8038 of 2020 was got dismissed as withdrawn due to some inadvertent mistake in the petition.

The FIR was registered at the instance of the complainant Anil Kumar, who alleged that on 24.11.2018 at about 11.30 p.m., he along with his son Saurabh and nephew Deepak were sleeping in the outer house. They heard the noise of breaking open the outer gate and abuses. On this, the son of the complainant namely Saurabh went outside. Ravi @ Gorkha opened fire with a country made pistol upon Saurabh and the bullet went passed his head. There were many assailants along with Ravi @ Gorkha.

The further allegations are that the other assailants assaulted the complainant. The attributions qua the petitioners are that they kept pointing the country made pistols upon the complainant and Deepak Kumar with the warning to shoot them, in case they move.

Learned counsel for the petitioners submitted that no gun shot injuries have been attributed to any of the petitioners. Statements of the complainant Anil Kumar, his son Saurabh and nephew Deepak have been recorded as PW-3 to PW-5 and they have not supported the case of the prosecution. No weapon has been recovered from the petitioners except *danda* and *gandasa*. Petitioners are in custody since 05.12.2018.

Learned State counsel on instructions from the Investigating Officer has not disputed the factual aspect of the

case, but stated that the statements of witnesses PW-3 to PW-5 would be legally construed in terms of their cross-examinations before the trial Court at an appropriate stage and to the extent of culpability, the statements can be relied by the Court while convicting and sentencing the accused.

Having heard the arguments at this stage and without advertent to the merits of the case, I am of the view that petitioners can be enlarged on regular bail.

In view of above, petition is allowed. Petitioners are ordered to be released on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

July 08, 2020

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No