

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

103

CRM-M-12341-2020
Date of decision : 14.05.2020

Rohit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rishav Jain, Advocate
for the petitioner.

Mr. Anmol Malik, D.A.G. 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 present (Ist) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.43 dated 04.02.2020 registered under Sections 216 and 307 read with Section 34 of the Indian Penal Code, 1860 and Section 25 of the Arms, Act, 1959 at Police Station Hodal District Palwal.

As per the prosecution allegations made in the FIR lodged on statement of Harbans Lal, on 02.02.2020 at about 09:50 p.m. the petitioner along with his three co-accused Prem Dev, Saurabh and Kishan came on motorcycle to his liquor vend at Hodal and asked his salesmen Ajit to handover cash and on his refusal, co-accused Prem Dev fired gun shot on his chest with country made pistol. Thereafter the petitioner along with his co-accused fled from the spot. The occurrence was witnessed by Rakesh.

Copy of the petition has already been supplied to learned State Counsel who has opposed the petition.

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

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. No specific role has been attributed to the petitioner. Gun shot injury caused on the chest of injured-Ajit is attributed to co-accused Prem Dev. The petitioner is in custody since 04.02.2020. The petitioner is not involved in any other case of similar nature. The trial is likely to take long time. No useful purpose will be served by detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioner having committed heinous offence 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, the fact that injury on the person of Ajit declared to be dangerous to life is not attributed to the petitioner and his involvement in crime is yet to be adjudicated upon on the basis of evidence to be produced during trial which is likely to take long time but without commenting on the 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/Duty Magistrate concerned.

14.05.2020
Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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