

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

110

CRM-M-12465-2020 (O&M)

Date of decision : 27.05.2020

Kapil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.
for the respondent-State.

Mr. Balkar Singh, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

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

CRM-11265-2020

Prayer in the present application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is for placing on record Annexures P3 and P4 and exemption from filing certified/true typed copies of FIR No.81 dated 12.05.2017 and order dated 20.11.2019 passed by learned Additional Sessions Judge Bhiwani.

For the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing certified/true typed copies of FIR No.81 dated 12.05.2017 and order dated 20.11.2019 passed by learned Additional Sessions Judge Bhiwani-Annexures P3 and P4 which are taken on record.

CRM-M-12465-2020

The petitioner has filed present (1st) petition under Section 439 of the Cr.P.C. for grant of regular bail to him in case FIR No.290 dated 24.09.2019 registered under Sections 307, 384, 506 read with Section 34 of the Indian Penal Code, 1860 and Section 25 and 54 of the

Arms, Act, 1959 at Police Station Siwani, District Bhiwani to which Section 323 of the IPC was added lateron.

The above-said FIR was lodged on statement of Ranbir Singh. As per his statement, on 24.09.2019 his son Kuldeep was sleeping near the main gate of his house. Around 3:30 A.M. Anil @ Bijender along with two other persons having dandas in their hand came in front of his house and told his son either to pay Rs.2,00,000/- to them or they will kill him. When his son Kuldeep tried to open the gate then Anil @ Bijender fired the shot with an intention to kill his son which hit his left palm. When Ranbir Singh and his wife came out from the back door of his house to apprehend the accused, they fled from the spot.

The petitioner being in custody since 24.09.2019 has filed the present petition for grant of regular bail.

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

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

Learned Counsel for the petitioner has argued that the petitioner was not named in the FIR. The petitioner has been falsely implicated in the case on the basis of disclosure statement made by co-accused Anil @ Bijender. No specific role has been attributed to the petitioner. The injury attracting the provisions of Section 307 of the IPC is attributed to co-accused Anil @ Bijender. 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 along with his co-accused went to the house of the complainant in the odd hours in the night and attempted to murder him. The petitioner is a hardcore criminal and is involved in four other cases. In view of the heinous nature of the offences, the petitioner does not

deserve the concession of regular bail. Therefore, the petition may be dismissed.

Even though, the petitioner is stated to be involved in other cases but admittedly, the petitioner is not a previous convict and is on bail in the other cases pending against him. In view of the facts and circumstances of the case, nature of accusation and role attributed to the petitioner, particularly the fact that injury 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.

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

27.05.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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