

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

CRM-M-14190-2020 (O&M)

Date of decision : 19.06.2020

Samrat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Yashveer Kharb, Advocate for the petitioner.

Mr. Deepak Sabharwal, Addl. A.G. Haryana.

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for bail pending trial in a criminal case arising from FIR No.21 dated 15.01.2020 registered under Sections 148, 149, 307 of the Indian Penal Code 1860 and Section 25 of Act No.54 of the Arms Act, 1959 (Sections 120-B and 201 added later on) at Police Station Quilla Panipat, District Panipat.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Panipat, which is as under:-

“2. Briefly, it is the case of the prosecution that on 14.01.2020 at around 10:00 PM the complainant was going towards Aslam's Hotel at Sabzi Mandi for purchasing food when he was stopped by his cousin Ankit @ Goli at Shiv Chowk. They were sipping tea when one Aactiva of white color and one motorcycle arrived with six people namely Nitin, Samrat, Pawan @ Kala, Prince, Manjit and one another unknown person. Nitin, Samrat and Pawan @ Kala took out pistols from their pockets and opened fire at him. He sustained bullet injuries on his legs. Thereafter Prince, Manjit and the unknown person hit him on the legs with Danda and rods. He fell unconscious. Several persons arrived at the spot. The accused thereafter fled away

from the spot by firing in the air. Ankit took him to GH Panipat wherefrom he was referred to PGIMS Rohtak. Upon the information formal FIR was registered and investigations were commenced.”

Learned counsel for the petitioner contends that two co-accused of the petitioner have already been granted the concession of regular bail. He further submits that although specific allegations leveled against Prince, however, the Investigating Agency has declared him innocent. He further submits that only a wooden baton is alleged to have been recovered from the petitioner. He further draws attention of the Court to medico legal report of the accused to contend that when the injured was admitted, a foul smell of alcohol was coming from him.

Learned counsel for the State has submitted that the petitioner cannot claim parity with the other co-accused.

The petitioner is in custody since 20.01.2020. The police after completion of the investigation, has presented the challan in the Court. However, as of now, out of 24 prosecution witnesses proposed to be examined, none has been examined.

Without commenting on the merits of the case and keeping in view the aforesaid facts, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

19.06.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No