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

CRM-M No. 14221 of 2020
Date of Decision: 05.06.2020

Anil

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gaurav Mohunta, Advocate,
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner seeks grant of regular bail in his second attempt in case bearing FIR No.481 dated 09.10.2019 registered under Sections 147, 148, 149, 427, 307 IPC and under Sections 25/54/59 of Arms Act at Police Station Safidon, District Jind (Haryana).

CRM-M No.4393 of 2020 titled 'Anil vs State of Haryana' was dismissed by this Court vide order dated 14.02.2020 at that stage.

What weighed the Court was criminal antecedents of the petitioner as he was involved in other cases.

As per allegations in the FIR, complainant alleged that he was a partner in a liquor vend. Petitioner met him at about 9 PM on 09.10.2019. An amount of Rs.3,60,000/- was due towards the petitioner from the last year to the complainant. When the complainant asked about the amount, the petitioner became annoyed and called his brother and 14-50 persons at the spot. They came in a car and motorcycles duly armed with weapons like dandas etc. 3-4 persons were carrying pistols. Two of them fired in air. Petitioner fired at the complainant but the bullet did not hit the complainant as the same passed from his side. None was injured, except firing in air by two persons and firing towards the complainant no other weapon was used. Seven live cartridges were recovered. No empty cartridge was recovered from the spot.

Co-accused namely Kuldeep @ Kala has been granted regular bail vide order of even date i.e. 14.02.2020 in CRM-M No.789 of 2020.

Learned counsel for the petitioner submitted that infact factum of acquittal of the petitioner in all the criminal cases could not be brought to the notice of the Court at the time when earlier petition was dismissed on 14.02.2020. Petitioner has already been acquitted in murder case by the Division Bench of the High Court vide judgment dated 06.10.2005 in CRA-D No.591-DB of 2004.

In FIR No.22 dated 12.01.2006 registered under Section 25 of Arms Act, petitioner has been acquitted by Sub Divisional Judicial Magistrate, Safidon (Jind) vide judgment dated 31.01.2009.

Similarly, in FIR No.35 dated 06.02.2010 registered under Sections 25/54/59 of Arms Act, petitioner has been acquitted vide judgment dated 14.10.2011.

Petitioner is not involved in any other case, except the present case in which fire arm is not proved to be used in view of recovery of live cartridges at the spot and no empty cartridge was recovered.

In view of aforesaid position, the case of the petitioner can be treated at par with co-accused Kuldeep @ Kala who has since been granted benefit of regular bail.

Learned State counsel on instructions from SI Mohan Singh submits that seven live cartridges have been recovered from the spot. No empty cartridge has been recovered. Petitioner has been acquitted in all the cases and no other case except the present case is pending against the petitioner.

As per record, petitioner is in custody since 12.10.2019. Challan has already been presented. After filing of challan, charges have been framed, but no PW has been examined so far.

After hearing learned counsel for the parties, I am prima-facie of the view that the petitioner deserves to be enlarged on regular bail keeping in view the period of his custody and the stage of trial wherein no PW has been examined so far. The trial of the case may take some time in its culmination.

In view of aforesaid, petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety

bonds to the satisfaction of trial Court/concerned Duty Magistrate.

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

June 05, 2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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| 1. Whether speaking/reasoned | : | Yes/No |
| 2. Whether reportable | : | Yes/No |