

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

219

**CRM-M-15023-2020
Date of decision: 01.07.2020**

Som Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Shokeen Singh Verma, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. 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 the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.290 dated 24.09.2019 registered under Sections 307, 384 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC") and Sections 25 and 54 of the Arms Act, 1959 at Police Station Siwani, District Bhiwani.

Briefly stated, the facts relevant for disposal of the present petition are that on 24.09.2019 Ranbir Singh lodged the FIR alleging that 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 and learned State Counsel 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. Co-accused Kapil and Anil have been granted regular bail by this Court vide orders dated 27.05.2020 and 11.06.2020 respectively. 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. 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 parity with co-accused Kapil and Anil who have been granted regular bail by this Court vide orders dated 27.05.2020 and 11.06.2020 respectively 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.

01.07.2020

Vinay

**(ARUN KUMAR TYAGI)
JUDGE**

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