

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.14809 of 2020
Date of Decision: June 26, 2020

Jai Bhagwan @ Jai

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Vashishth, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.452 dated 21.11.2019, under Sections 307, 34 IPC and Section 25 Arms Act, 1959, registered at Police Station, Civil Line Jind, pending trial. The petitioner is in custody since his arrest on 30.11.2019.

The above FIR was registered against the petitioner on the statement of complainant Sonu, wherein it was alleged that he was pursuing his B.A. in Government College, Jind. On 20.11.2019, his friends Manjit @ Bundi and Manjeet son of Ramesh came to see him and they all were sitting in the garden of the college. At about 12.00/12.30 PM, Aman @ Gandhi and Jai Redhu along with 6-7 persons came there and asked them to stand up and it turned into a quarrel. On the next day, Jai Redhu called the complainant and asked him to come at Gohana Road near Pindara bridge

for a talk. The complainant along with his friends Mohit @ Mohala, Manjit @ Bundi and Manjeet went to the said place and no one was found present there. They also sat near a tea stall and at about 12.00/12.30 PM, a car came from the Rohtak bye-pass and stopped in front of them. Jai Redhu came out of the car with a pistol, whereas another boy accompanying him was carrying gandasa. Jai Redhu fired at them with intention to kill, however, the bullet went pass the ear of the complainant. They all ran away to save themselves and Jai Redhu fired 2-3 more shots on them. In the said firing, no one was hurt. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that though as per prosecution, the petitioner had fired 2-3 shots upon the complainant, however, neither any injury was suffered by anyone nor any empties were recovered from the place of occurrence. According to him, the investigation of the case is complete and the trial is likely to consume considerable time, therefore, he prays for grant of bail, during the pendency of the trial.

On the other hand, learned State counsel, who is assisted by ASI Krishan Kumar, does not dispute the fact that no one was hurt in the alleged incident. However, he has opposed the prayer on the ground that the accused fired shots with an intention to kill. It is pointed out by him that the investigation of the case is complete and the final report was filed on 21.01.2020. He submits that the charges are yet to be framed. It is also not disputed that the petitioner is not involved in any other case.

Considering the above, custody of the petitioner and the fact that the trial is likely to consume considerable time in view of the spread of global pandemic, namely, COVID-19 as the State Administration has imposed restrictions to curb its spread, so no useful purpose would be

served by keeping the petitioner behind the bars. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Jind.

The petition is allowed.

June 26, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No