

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

CRM M 14892 of 2020 (O&M)

Date of Decision:12.6.2020

Jaswant @ Vinod

... Petitioner

Versus

State of Haryana

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Bipan Ghai, Sr.Advocate with
Mr.Paras Talwar, Advocate for the petitioner

Mr.Saurabh Mohunta, DAG, Haryana

Mr.Gaurav Jain, Advocate for the complainant

RAJIV NARAIN RAINA, J. (Oral)

1. The matter is taken up today through Video Conferencing/WhatsApp due to pandemic of COVID-19.

2. Notice of motion. On the asking of this Court, Mr.Saurabh Mohunta, DAG, Haryana accepts notice on behalf of the State. Copy of the petition has already been supplied to the State in advance. Mr.Gaurav Jain, Advocate is permitted to appear on behalf of the complainant through Video Conferencing/WhatsApp.

3. This petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial in FIR No.102 dated 3.3.2018 under Sections 148/149/285/302/307/506/323/452 of the IPC and 25/27/54/59 of the Arms Act, 1959 registered at Police Station Sadar Ratia, District Fatehabad.

4. Mr.Ghai, learned Sr. Counsel appearing for the petitioner submits that this is an arguable case. Much of arguments have rested on

the FSL report that the fatal wound was caused by a bullet fired from a 7.65 mm calibre pistol while the petitioner was alleged to be armed with a licensed .32” revolver. The FSL report is annexed as Annex. P-2 at pg.18 of the paper-book from where it is found that the bullet was marked as Ex. BC/1. He further submits that there was a delay of 30 hours in lodging the FIR. The petitioner was admitted to interim bail for a period of three weeks on health grounds of his wife by this Court vide order dated 9.10.2018 passed in CRM M 42675 of 2018 (Annex. P-3) and on expiry of the period, the petitioner surrendered in time at the jail gates.

Learned Sr. Counsel submits that co-accused Maninder Singh, Ajay, Akshay, Jagtu, Subhash and Ramesh Kumar have already been granted bail and the case of the petitioner is on par with the said co-accused. The said co-accused were allegedly armed with fire-arms and general allegations of firing shots have been alleged. The other material referred to by Mr.Ghai need not be adverted to at length for the present, in view of the limited scope of the proceedings under Section 439 of the Cr.P.C. on the question of grant of regular bail pending trial.

5. Learned counsel for the State and the complainant have vehemently opposed the bail application of the petitioner. Learned counsel for the State has submitted that there are 47 witnesses cited by the prosecution and in the examination-in-chief, only 2 witnesses have been examined. Learned counsel for the complainant submits that it is a very serious offence.

6. I have heard learned counsel for the parties and gone through the paper-book. Without expressing any opinion on the merits

of the case/submissions of the learned counsel for the parties, I am of the view that trial will take a long time to conclude. The petitioner is in judicial custody since 7.3.2018 and no useful purpose would be served by keeping the petitioner behind the bars.

7. In view of the above, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial court/Duty Magistrate.

12.6.2020
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No