

KULDEEP NAGAR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K.Tripathi, Advocate for the petitioner.

Ms. Dimple Jain, AAG Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

The petitioner has prayed for grant of regular bail in case FIR No.237 dated 17.9.2019 under Sections 307/34 IPC and Section 25 of Arms Act, 1959, Police Station Tigaon, District Faridabad.

Briefly, the FIR has been registered on the basis of the statement made to the police by Bharat alleging that on 16.9.2019 at about 7.30 P.M. he had gone to Bhuapur Road, Tigaon with his friend Deepak. The complainant and Deepak were standing at the gate of the house. Meanwhile, Sandeep along with Kuldeep-petitioner and Pradeep alighted from a Swift car. The two motor-cycles on which two boys were riding with muffled faces also arrived at the spot. Kuldeep-petitioner and Sandeep fired upon the complainant. A bullet hit the waist of the complainant. He ran inside the house. Sandeep fired a shot which hit his head. The cloth wrapped around one of the boy came under the motor-cycle and on getting removed, he was identified as Dharmi. The assailants slipped away from the

spot.

It has been contended by learned counsel for the petitioner that 8 persons were nominated as accused, 6 have been found innocent and challan has been presented only against two persons including the petitioner. Furthermore, the arrest of the petitioner was effected on 4.10.2019 and conclusion of trial is likely to take some time.

On the contrary, it has been pointed out by learned State counsel that the petitioner had inflicted firearm injury in the waist of the complainant and a country-made pistol has also been recovered from him.

In the instant case, a specific attribution has been made to the petitioner for having caused firearm injury in the waist of the complainant with an intention to commit his murder. Merely because 6 persons have been declared innocent, cannot be termed to be a circumstance to extend benefit of bail to the petitioner, particularly when he has been specifically named in the FIR and firearm injury has been attributed to him.

The case is still at the initial stage. Charges have already been framed but no witness has yet been examined.

In these circumstances, no ground is made out to grant concession of bail to the petitioner.

Dismissed.

17.07.2020

Janki

(VIVEK PURI)
JUDGE

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