

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-17128-2020(O&M)

Date of Decision: 17.07.2020

Jagat

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 439 Cr.P.C seeking benefit of regular bail to the petitioner in case FIR No.19 dated 21.1.2020 registered under sections 148, 149, 341, 307, 120-B I.P.C and section 25 of Arms Act at Police Station, Chhainsa, District Faridabad.

Counsel for the parties have been heard.

FIR came to be registered in relation to an alleged occurrence dated 21.1.2020. Complainant/injured is Anil. Precise allegations are that at about 12 noon when the complainant was returning back after dropping his sister-in-law and aunt in the hospital then three persons namely Sahil, Ashok and Parmod came on a motorcycle. Bijender incited other accused to kill the complainant and upon this Parmod and Abhishek opened fire from their pistol and resultantly the complainant suffered injuries on his chest.

Motive attributed is that a quarrel had earlier taken place on 26.9.2018 between the complainant/injured Anil as also Parmod and Abhishek.

In so far as the present petitioner is concerned, the only allegation is that he had furnished information as regards the whereabouts of the complainant. Even as per prosecution version he had not actively participated in the commission of the offence.

Petitioner was arrested on 20.3.2020. Investigation in the case is complete and the challan already stands presented. Matter is now pending before the Trial Court for framing of charges.

The trial, as such, would take time to complete.

Perusal of the impugned order dated 23.6.2020 passed by the learned Additional Sessions Judge, Faridabad reveals that the benefit of bail has been declined to the petitioner by adverting to a subsequent FIR i.e. FIR No.22 dated 23.1.2020 registered under sections 506, 507 I.P.C on the allegations that the complainant has been threatened of dire consequences on Facebook.

Learned counsel representing the petitioner has read out the vernacular of FIR No.22 dated 23.1.2020 to submit that there are no allegations against the present petitioner as regards threatening the complainant.

In view of the above and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of the Trial Court/Duty Magistrate, Faridabad.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

17.07.2020

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No