

NARESH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Virender Soni, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

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

VIVEK PURI, J. (ORAL)

Reply by way of affidavit of Ajit Singh Shekhawat, IPS, Assistant Superintendent of Police, Safidon on behalf of the respondent has been filed, which is taken on record.

The present petition under Section 439 Cr.P.C for seeking regular bail to the petitioner in case FIR No. 147 dated 02.04.2019 under Sections 323/307/120-B IPC and 25/54/59 of Arms Act, 1959, registered at Police Station Safidon, District Jind.

It has been stated by the learned counsel for the petitioner that the fire arm injury has not been attributed. He was not present at the time of occurrence and is being on the hauled up on the allegations of criminal conspiracy. It has further been stated that the co-accused namely, Surender, Narender, Suresh, Karampal and Sumeet @ Chotta who have also been hauled up under Section 120-B IPC have been released on bail.

Moreover, the matter was never reported when the petitioner had

allegedly extorted a sum or Rs. 14 lacs from the complainant. The arrest of the

petitioner was effected on 01.05.2019, the custodial interrogation of the case is over, the challan has already been presented in the Court and the conclusion of the trial is likely to take sometime.

It has been further stated that the name of 03 persons have been reflected in column No.2 of the report under Section 173 Cr.P.C. The petitioner alongwith 02 other persons who were alleged to be present at the time of occurrence namely Pawan Saini @ Makhi and Sombir are still behind the bars.

The learned State counsel has mainly opposed the bail application on the score that besides the present case there are 15 other cases against the petitioner. It may be mentioned here that those cases pertain to a period spreading over 15 years and in 10 cases the petitioner has been acquitted. He has been convicted in one case that was under Section 323/325/148 and 149 IPC. The petitioner is still facing trial in following 04 cases:-

1. FIR No. 500 dated 25.06.2016 under Section 42 of Prison Act, registered at Police Station City Jind.
2. FIR No. 466 dated 19.02.2017 under Section 25 of Arms Act, registered at Police Station Matloda.
3. FIR No. 576 dated 25.11.2017 under Section 341/427/506/120-B IPC, registered at Police Station Safidon.
4. FIR No. 126 dated 11.03.2018 under Sections 25 of Arms Act, registered at Police Station Safidon.

The aforesaid cases do not pertain to commission of heinous crime.

On a query, with regard to the observations made in the impugned order that the petitioner had delivered the fire arms to Pawan Saini @ Makhi, co-accused, on instructions from ASI Ramesh, the learned State counsel has pointed out that such observations have been recorded on the basis of the disclosure statement made by the co-accused namely, Pawan Saini @ Makhi and Sombir.

Furthermore, it has not been disputed that the petitioner is not the

Keeping in view the abovesaid facts, no fruitful purpose will be served by keeping the petitioner further behind the bars in the present case. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate/trial Court.

05.08.2020
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(VIVEK PURI)
JUDGE

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