

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

217

**CRM-M-20739-2020
Date of decision: 25.08.2020**

Lakhan @ Lucky

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kawalpreet Singh Virk, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.168 dated 24.11.2019 registered under Sections 323, 341 and 307 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC") and Section 25 of the Arms Act, 1959 at Police Station Alewa, District Jind.

The above said FIR was registered on statement of injured-complainant Ramesh who alleged that on 24.11.2019 at about 05:30 PM when he had gone for evening walk, Mohit and Himanshu abused him and all of a sudden Mohit took out a country made pistol and fired directly on his chest with intention to kill him. When he raised alarm, Mohit and Himanshu fled from the spot. During investigation, the police found Mohit and Himanshu to be innocent and found sufficient

evidence against the petitioner and his co-accused Jitender and Sunil to have committed the subject offences and accordingly filed challan against them.

The petitioner, who is in custody since his arrest on 17.12.2019, has filed the present petition for grant of regular bail.

Learned State counsel has appeared and opposed the petition in terms of reply filed by way of affidavit of Jitender Singh, Deputy Superintendent of Police, Jind in the registry which is taken on record.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The injured complainant had named Mohit and Himanshu as the persons who had committed the subject offences. The police has exonerated them and falsely implicated the petitioner and his co-accused. As per the report submitted by the police, co-accused Jitender had fired on the injured complainant and Sunil had accompanied him. The petitioner is stated to have conspired with them and to be present at some distance. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner was named by the injured complainant in his supplementary statement. The petitioner along with his co-accused attempted to murder the injured complainant. In view of the gravity of

accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the role attributed to him and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.08.2020

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(ARUN KUMAR TYAGI)
JUDGE

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