

CRM-M No.21367 of 2020

Date of Decision : 20.08.2020

Rahul

...Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Sandeep Saini, Advocate for the petitioner.
Mr. Jitender Kumar, DAG, Haryana.

B.S. Walia, J. (VC)

Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

1. Prayer in the petition under Section 439Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.6 dated 04.01.2020, registered under Sections 307, 323, 34 and 506 IPC and Sections 25/54/59 of the Arms Act, 1959 and Section 3(2) (v) SC/ST Act, at Police Station City Jind, District Jind.

2. Learned counsel contends that as per the prosecution case, the complainant-Shanky informed the police that he had to take Rs.1,35,000/- from one Rinku and that at about 10.15 p.m. on 03.01.2020/04.01.2020, Rinku gave a telephonic call and called him near the premises of shop of Sumit, whereupon he went near the shop of Sumit, where Rinku and applicant Rahul met him and when the complainant demanded his money from Rinku, both Rinku and applicant-Rahul started quarreling with him

and applicant-Rahul took out a pistol and stated that in case the complainant

demanded money, he would be killed, whereupon the accused started advancing towards the complainant but complainant ran towards his house then Rahul fired from his pistol but the complainant had a narrow escape and on hearing the gun shot, Sumit brother of the complainant came out and both the brothers chased the assailants whereupon they ran away.

3. Learned counsel contends that the petitioner is in custody since 12.01.2020. Challan has been filed, charges are yet to be framed, trial would take time to conclude and no useful purpose would be served by keeping the petitioner behind bars, especially in view of the fact that co-accused Rinku has been released on bail by this Court vide orders (Annexure P-3) dated 16.07.2020 in CRM-M No.15520 of 2020.

4. Learned State Counsel has not controverted the aforementioned factual position though he contended that the allegations qua Rinku were different whereas qua the petitioner, the allegation was that he had fired on the complainant from a pistol though the same did not hit the complainant.

5. Heard. Taking into account the fact that the petitioner is in custody since 12.01.2020, challan has been filed but charges are yet to be framed, as also in view of the fact that the providentially the complainant did not receive any injury, I am of the view that no useful purpose would be served by keeping the petitioner behind bars, as the trial is likely to take considerable period of time to conclude on account of prevailing Corona Virus Pandemic. Accordingly, without expressing any opinion on the merits of the case, the petition for regular bail is **allowed**. The petitioner is ordered

to the satisfaction of the learned CJM/Trial Court/Duty Magistrate, Jind, provided he is not required in any other case. The petitioner shall also abide by the conditions contained in Section 437(3) Cr.P.C.

(B.S. Walia)
Judge

August 20, 2020

'Rajneesh-Amit'

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No