

Covid-19 Pandemic)

Date of Decision: 26.08.2020
CRM-M-23271-2020

... PETITIONER

VS.

.. RESPONDENT

CRM-M-23378-2020

... PETITIONER

VS.

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Virender Soni, Advocate
for the petitioner(s).

Mr. Amrik Singh Narwal, Deputy Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

Through present petitions, the petitioners are seeking regular bail in case FIR No. 147 dated 02.04.2019 under Sections 323, 307, 120-B IPC and Sections 25/54/59 of Arms Act registered at Police Station Safidon, District Jind.

The allegations levelled in the FIR by Anil @ Dalbir @ Leela complainant are that he had taken a liquor vend in the area of Village Karkhana. Earlier also, he had taken contract of liquor vend in village Bagru Khurd and other villages. Rajkumar, Naresh @ Buchha, Virender Hooda were partners with him. Naresh @ Buchha had extorted a sum of Rs.14,00,000/- from the complainant. Rajkumar and Virender had assured the complainant to return the money but to no effect. Threats were given to the complainant to kill him. On 02.04.2019, the complainant was present at the shop of his brother Surender at the bus stand. Makhi @ Pawan Saini along with another person were sitting in another shop and came towards him and Makhi having the pistol in his hand pointed towards the

complainant, who picked up a water drum to save himself. Gun shot was fired, which passed after touching the head of the complainant and alarm was raised. Surrender and other persons of the village came at the spot. Makhi and Ashok Hooda, ran away on their motor cycle while firing in the air. It has been alleged that occurrence took place with an intention to kill the complainant at the asking of Naresh Buchha, Surrender, Narender, Rajkumar and Virender.

It has been stated by learned counsel for the petitioners that arrest of Pawan @ Makhi and Somvir was effected on 20.04.2019 and 26.04.2019 respectively. The investigation of the case is complete and conclusion of trial is likely to take some time. Furthermore, 08 persons have been nominated as accused and all the accused except the petitioners have been released on bail. He further contends that petitioner-Somvir has not been named in the FIR and it is a case of no fire arm injury. It has been further stated that no other case is pending against any of the petitioners.

Learned State counsel, on instructions from ASI Ramesh Kumar, has not disputed the factual aspect of the matter.

Keeping in view the fact that the petitioners are in custody since April, 2019; co-accused have been granted bail; it is a case of no fire arm injury and the conclusion of trial is likely to take some time, sufficient grounds are made out to extend the concession of bail to the petitioners. Accordingly, both the petitions are allowed and petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate/trial Court.

26.08.2020

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(VIVEK PURI)**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No