

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

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**CRM-M-27304-2020(O&M)
Date of Order:16.09.2020**

Desh Raj @ Deshi

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surender Dhull, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.901, dated 25.12.2018, registered under Section 307/201/34 IPC and Section 25/54/59 of the Arms Act, 1959, at Police Station City Bhiwani, District Bhiwani.

The petitioner is in detention from 13.09.2019. The case of the prosecution has been noticed by the learned Additional Sessions Judge, Bhiwani, in paragraph 3, which is extracted as under:-

“3. Brief facts of the case are that Amarjeet son of Shri Shish Ram, resident of Paintawas Khurd at present New Uttam Nagar, Tosham Bypass, Bhiwani got recorded his statement to the police alleging that on 24.12.2018, at about 8:00 pm, he and his son Amit @ Biku were taking their buffalo and when they reached near the house of Arvind Punia, in the main street, there a vehicle pickup Dala was parked, out of which, Meenu son of Chanderbhan, resident of Paintawas suddenly came down and fired a shot upon his son with a pistol. The fire hit on the chest of his son Amit, whereupon he ran towards the vacant plot, adjoining the street. However, another boy sitting in the aforesaid vehicle again shot a fire upon Amit. On this, he left the buffalos and attacked with a danda on Meenu, which hit on his hand and his pistol fell down. Thereafter, both the

assailants alongwith driver went away in their vehicle pick up towards Dadri. He could not see the number of the vehicle, but it was of white colour. Thereafter, he took his son to Government Hospital, Bhiwani, after arranging a vehicle, from where he was referred to PGIMS, Rohtak, but he took his son to Sapra hospital, Hisar. The aforesaid Meenu son of Chanderbhan earlier also attempted to kill his son two times prior to this incident by firing shot upon him. Request was made for taking action against him and two others. On the basis of the aforesaid statement, FIR was lodged. During the investigation, applicant-accused Desh Raj @ Deshi was arrested.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and he is sought to be indited as an accused on the second disclosure statement of Meenu @ Ravi. He submitted that the petitioner is stated to be driving the vehicle which was used in the occurrence.

On the other hand, learned counsel for the State has drawn attention of the court to the custody certificate which show that the petitioner is also involved in FIR No.306 of 2018, registered under Section 148/149/323/506 IPC.

On conclusion of the investigation, the police has already submitted its report under Section 173 Cr.P.C, however, the trial of the case has not commenced as yet. The prosecution has cited 31 witnesses proposed to be examined on its behalf, hence, the conclusion of the trial is likely to take time.

Keeping in view the aforesaid facts and the period of detention of the petitioner, this court is of the considered view that further incarceration of the petitioner, at this stage, would not be appropriate.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 13.09.2019 and

conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

September 16, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No