

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

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**CRM-M-27544-2020
Date of Decision : 05.10.2020**

SUNIL

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

The above said FIR was registered on statement of Ramesh son of Hari Ram who alleged that on 24.11.2019 at about 05.30 P.M. he had gone for evening walk. Accused Mohit and Himanshu came from the opposite side. Accused Mohit and Himanshu abused him and all of sudden took out his country made pistol and fired at him on his chest with an intention to kill him. When he raised alarm, Mohit and Himanshu fled away from the spot alongwith their weapons. The police investigated the case and during investigation recorded supplementary statement of Ramesh. In his supplementary statement Ramesh alleged that on 23.11.2019 the assailants who shot him included alongwith Mohit and Himanshu, Lakhan @ Lucky, Jitender and Sunil. Sunil and Jitender had blocked his way and Jitender had fired upon him directly with an intention to kill him. They had parked their motorcycle under

the trees near the pond and after the incident all of them ran away from the spot with their weapons. On investigation the police exonerated Mohit and Himanshu and arrested the petitioner and his co-accused and filed challan against them.

The petitioner, who is in custody since his arrest on 21.12.2019, has filed the present petition for grant of regular bail.

Learned State Counsel has 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 record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. Initially, in his statement made to the police on the basis of which FIR was registered, complainant Ramesh had implicated Mohit and Himanshu for commission of the alleged offences while in his supplementary statement complainant Ramesh has implicated the petitioner and co-accused Lakhan @ Lucky and Jitender for commission of the alleged offences. As per the allegations made in the supplementary statement Jitender had fired the shot on the chest of the complainant. Similarly placed co-accused Lakhan @ Lucky has been granted regular bail by this court vide order dated 25.08.2020. 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 the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the role attributed to him, parity with co-accused Lakhan @ Lucky who has been granted bail by this Court 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 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 requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.10.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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