

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-33458-2020 (O&M)
Date of Decision:-1.12.2020

Pawan Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Duhan, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.19 dated 17.1.2019 at Police Station Taraori, District Karnal under Sections 148, 149, 302, 392, 216 and 120-B of Indian Penal Code and Sections 25/54/59 of Arms Act,1959.
2. The FIR was lodged at the instance of Ram Kumar wherein it is alleged that on 17.1.2019 when he alongwith his brother Randhir Singh was returning back home in their vehicle bearing registration No.HR-05AK-8832 and when they reached in front of the gate of Green Velly Punjabi Dhaba, GT Road Shamgarh Modern Diary, they saw that complainant's nephew was sitting in his swift car bearing registration No. HR-05AS-6241. It is alleged that at that

point of time the accused came in two cars one of them was a Creta vehicle bearing registration No.HR-14N-5647 and from which Jabbra, Krishan and Sunny Mass alighted and who were carrying weapons and started firing immediately at the car of complainant's nephew Vikas. It is further alleged that the occupants of other car i.e. brother of Jabbra namely Jachak, his brother-in-law (Jija) namely Dalbir, his father Manjeet Singh and brother of Krishan namely Pawan Kumar were raising '*lalkaras*' exhorting the other three not to spare Vikas and that he be taught a lesson.

3. The learned counsel for the petitioner has submitted the petitioner has falsely been implicated in the present case and that even as per the FIR it is the three persons i.e. the occupants of the Creta Vehicle namely Jabbra, Krishan and Sunny Mass, who had fired at the deceased and that the other occupants of the car have been falsely implicated by attributing '*lalkaras*' to them.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and was accompanying the other accused, who had fired at the deceased, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last 1 year and 9 months.
5. Having regard to the facts and circumstances of the case especially that the petitioner is attributed a '*lalkara*' only and is not stated to have fired at the deceased and is not even alleged to be carrying any weapon and has been behind bars since the last 1 year and 9 months, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. The petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the

satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

1.12.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No