

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31546-2019 (O&M)

Date of Decision: 07.02.2020

Sachin

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajender Singh Malik, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.104 dated 16.08.2018, under Sections 279, 285, 324, 325, 148, 149, 326, 307, 506 and 34 IPC and Section 25 Arms Act, 1959, registered at Police Station Mohana, District Sonapat. He is in custody since his arrest on 20.08.2018.

The FIR in the present case was registered on the statement of complainant Om Parkash, wherein it was stated that on 16.08.2018, when he was working in the fields, his son Pardeep and Ashish s/o Balwan were coming towards fields from the side of Mohana Adda after getting repaired the electronic motor. At about 12:05 p.m., when they reached near the fields, one Corolla Car No. DL 3CA-A3652 from the side of village Slarpur Majra, in which Angrejo, Sachin, Deepak, Sikander and Jagbir were sitting and with an intention to kill Pardeep and Ashish, they hit the car with their motorcycle. The complainant came there to rescue them. Sachin and Deepak, gave Farsa blows to Pardeep and Ashish and upon seeing this

incident, Balwan and Ankit, who were working in the nearby fields came at the spot and on seeing them, the accused fled away towards Mohana and in the meantime, two motorcycles being driven by Narender and Mohit also came there. Sachin fired a shot and they got frightened and ran away on their motorcycles. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the petitioner along with co-accused have allegedly caused injuries to Pardeep (son of complainant Om Parkash) and Ashish s/o Balwan. He submits that the said occurrence was allegedly witnessed by Balwan and his son Ankit, who have been examined by the prosecution. It is further pointed out that the alleged injuries are on the non-vital parts of the injured. He contends that the petitioner was allegedly armed with a country made pistol and the alleged shot fired by him, did not cause any injury. He submits that all the injuries were caused by sharp edged weapon and his co-accused Deepak has already been released on bail by this Court. He prays that the petitioner be released on regular bail.

On the other hand, learned State counsel assisted by ASI Jasbir Singh, has opposed the prayer on the ground that the petitioner was involved in the crime, wherein injuries were caused to the victims. She does not dispute that the alleged gun shot fired by petitioner, did not cause any injury. However, it is also not disputed that the investigation of the case is complete and the challan stands filed on 16.11.2018. She submits that the co-accused of the petitioner is already on bail and prosecution has examined only two witnesses out of total 22 witnesses.

Considering the above, the custodial period of the petitioner

and keeping in view the fact that the trial of the case is likely to consume considerable time, therefore, his further detention may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Sonipat.

The petition is allowed.

07.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No