

202

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

CRM-M No. 41954 of 2019
Date of Decision: 03.07.2020

Tek Chand

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Baljit Beniwal, Advocate,
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail in case bearing FIR No.756 dated 19.10.2018 registered under Sections 148, 149, 323, 307, 120-B and 25 of Arms Act at Police Station Sarai Khawaja, Faridabad.

The FIR was registered at the instance of Hemraj with the allegations that on 18.10.2018, he was sitting in the adjacent shop of his office at Sapna Chowk with Sandeep in his Gift Gallery. At about 6.00 PM, Jasbir @ Daiya, Sachin along with 5-6 other persons came to the gift gallery. Jasbir and Sandeep along with other associates started firing upon the complainant. The complainant caught hold the

pistols of Jasbir and Sachin and they had a scuffle. One bullet hit the complainant on his left ankle. Thereafter, the assailants with country made pistols arrived at the ground floor and fired from there. The complainant further alleged that the attack was made on the instructions of the petitioner as he had attacked twice in the past as well.

Learned counsel for the petitioner also submits that Jasbir @ Daiya has been granted anticipatory bail by the court of Sessions vide order dated 07.02.2020. In the disclosure statement of the petitioner, co-accused namely Rishiraj @ Shanky, Parveen @ Doctor, Parveen and Munesh Lamba were nominated.

Out of the aforesaid, Rishiraj @ Shanky has been granted regular bail by the trial Court vide order dated 26.06.2020. Parveen @ Doctor has been granted regular bail by the High Court in CRM-M No.30408 of 2019 vide order dated 27.09.2019. Munesh Lamba has been granted regular bail by the trial Court vide order dated 06.03.2020.

At the time of registration of FIR, the petitioner was in custody in some other case. The bail has been declined primarily on the ground of involvement of the petitioner in other cases.

Learned counsel for the petitioner submits that the petitioner is on bail in other cases and in the present case, no specific act has been attributed to the petitioner except to allege that the occurrence took place at the instance of the petitioner.

Petitioner is in custody since 06.10.2018.

Learned State counsel on instructions states that out of total cases registered against the petitioner, five cases are at the instance of the present complainant.

Charges have been framed, but no prosecution witness has been examined so far.

Looking to the facts and circumstances of the case and without meaning anything on the merits of the case at this stage, I deem it appropriate to enlarge the petitioner on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

July 03, 2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned	:	Yes/No
2. Whether reportable	:	Yes/No