

(204)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43787-2019 (O&M)

Date of decision : 07.02.2020

Sumit @ Chhota

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-47184-2019 (O&M)

Date of decision : 07.02.2020

Sombir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. R.N.Lohan, Advocate
for the petitioner (In CRM-M-43787-2019).

Mr. Rajesh Nain, Advocate
for the petitioner (In CRM-M-47184-2019).

Mr. B.S.Virk, DAG, Haryana.

VIVEK PURI, J. (Oral)

Present petitions under Section 439 Cr.P.C. for seeking regular bail to the petitioners in case FIR No. 147 dated 02.04.2019 under Sections 323, 307, 120-B, IPC, Section 25 of Arms Act, 1959 (Sections 25/54/59 of Arms Act) registered at Police Station Safidon, District Jind.

The allegations levelled in the FIR by Anil @ Dalbir @ Leela-complainant are that he had taken a liquor vend in the area of Village Karkhana. Earlier also, he had taken contract of liquor vend in village Bagru Khurd and other villages. Rajkumar, Naresh @ Buchha, Virender Hooda were partners with him. Naresh @ Buchha had extorted a sum of Rs.14,00,000/- from the complainant. Rajkumar and Virender had assured the complainant to return the money but to no effect. Threats were given to the complainant to kill him. On 02.04.2019, the complainant was present at the shop of his brother Surender at the bus stand. Makhi @ Pawan Saini along with another person were sitting in another shop and came towards

him and Makhi having the pistol in his hand pointed towards the

complainant, who picked up a water drum to save himself. Gun shot was fired, which passed after touching the head of the complainant and alarm was raised. Surrender and other persons of the village came at the spot. Makhi and Ashok Hooda, ran away on their motor cycle while firing in the air. It has been alleged that occurrence took place with an intention to kill the complainant at the asking of Naresh Buchha, Surrender, Narender, Rajkumar and Virender.

It has been stated by learned counsel for the petitioner that they have not been named in the FIR. The co-accused namely Surrender, Narender, Suresh and Karampal, who have also hauled up under Section 120-B IPC, have been released on bail by the Court of Sessions.

Learned State Counsel, on instructions from ASI Ramesh Kumar, states that Sumit @ Chhota and Sombir S/o Kali Ram and Sombir son of Phool Kumar have been nominated on the statement of Makhi @ Pawan Saini and nothing has been recovered from them. Their arrest was effected on 26.04.2019. There was no gun shot injury on the person of the injured. The challan has already been presented and the trial is pending.

The petitioner is in custody since 26.04.2019. The conclusion of trial is likely to take sometime.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Copy of this order be placed on the connected case file.

(VIVEK PURI)
JUDGE

07.02.2020

Pardeep

Whether speaking/reasoned Yes/No

Whether reportable Yes/No