

CRM-M-45860 of 2019

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

CRM-M-45860 of 2019
Date of Decision: 31.01.2020

Simranjeet

...Petitioner

Versus

State of Haryana

....Respondent

CRM-M-48432 of 2019

Amit Malik @ Sagar

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Ms. Neetu Singh, Advocate,
for Mr. S.S. Jattan, Advocate, for the petitioners.
Mr. Chetan Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

CRM-3363 of 2020 in CRM-M-48432 of 2019

Through this application under Section 482 Cr.P.C. prayer has been made for placing on record copy of statement of complainant Rajesh Kumar @ Babla PW11 as Annexure A-1.

Heard.

For the reasons mentioned in the application, same is allowed.

Statement of complainant Rajesh Kumar PW11 is taken on record as

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Annexure A-1 subject to all just exceptions.

Main cases

Certified copies of statements of prosecution witnesses produced in Court today are taken on record. Be tagged at appropriate place.

By this common order, I shall dispose of above-titled two petitions under Section 439 Cr.P.C. for grant of regular bail to petitioners namely, Amit Malik @ Sagar (CRM-M-48432 of 2019) and Simranjeet Singh (CRM-M-45860 of 2019) in a case arising from FIR No.676 dated 30.12.2018 registered under Sections 307, 506, 34, 120-B IPC and Section 25 of the Arms Act, 1959 at Police Station Shahabad, District Kurukshetra.

According to the prosecution, in the evening of 29.12.2018, co-accused of the petitioners, namely, Rajan, who has been declared proclaimed offender and one other boy fired upon complainant Rajesh with their respective pistols with intention to kill him. One shot fired by Rajan hit on his right arm below shoulder and another on the right side of his back. Third shot fired by accomplice of Rajan hit on the back of the complainant.

Learned counsel for the petitioner *inter alia* contends that both the petitioners are innocent. During investigation, it revealed that petitioners were called on the spot by Rajan. No role has been attributed to them. They were not named in the FIR. Complainant has been declared hostile. Petitioner Amit Malik @ Sagar is in custody since 29.04.2019 and Simranjeet since 03.05.2019. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the petitioners in jail any more.

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On the other hand, learned State counsel vehemently opposed the grant of regular bail to the petitioners.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioners, namely, Simranjeet and Amit Malik @ Sagar are ordered to be released on bail during pendency of trial, if not required in any other case, on their furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

January 31, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No