

211 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-50786-2019
Date of Decision: 30.01.2020

Vishal @ Maha

... Petitioner

vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. B.S.Virk, Deputy Advocate General, Haryana,

VIVEK PURI, J.(ORAL)

Through present petition, the petitioner is seeking regular bail in case FIR No. 403 dated 28.05.2016 under Sections 307/452/201/216/34 IPC and under Section 25 of the Arms Act, registered at Police Station City Jind, District Jind.

Briefly, the aforesaid FIR has been registered on the basis of the statement of Dharmender alleging that on 28.05.2016, at about 10:15 A.M., his elder son, namely, Satender had gone outside the house for preparing 'hukka' and when he was entering the house, three unknown young boys with muffled faces fired gun shots and one bullet hit Satender on his right thigh near the stomach. The assailants also fired in the air and slipped away.

It has been stated by learned counsel for the petitioner that the arrest of the petitioner was effected in February, 2019 and he has been nominated on the basis of the statement of co-accused, namely, Jagdeep. Furthermore, other co-accused, namely, Parveen and Gaurav have been granted regular bail by the trial Court. It has been further stated that the fire arm injury has been attributed to Parveen.

It has been further stated that at the earlier instance, the statements of Dharmender, father of the injured and Rupinder, cousin of the injured, were also recorded, during the course of trial, and they had not supported the prosecution version. It had also emerged from the cross-examination of Dharmender that his son i.e. injured had gone abroad for study purpose.

Learned State counsel, on instructions from ASI Sudhir Kumar, has not disputed the factual position but has mainly opposed the prayer for bail on the score that at an earlier instance, the proceedings declaring the petitioner as proclaimed offender were initiated and his arrest was effected in February, 2019 and, thereafter, supplementary challan was presented against him.

Be that so, it remains the fact that the petitioner was never declared proclaimed offender and he has been nominated on the basis of confessional statement of co-accused and no incriminating articles have been recovered from him.

Keeping in view the abovesaid facts, no useful purpose will be served by detaining the petitioner behind the bars. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail to the satisfaction of concerned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate.

(VIVEK PURI)
JUDGE

30.01.2020
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Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No