

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-1152-2021 (O&M)

Mandeep ... Petitioner

Versus

State of Haryana ... Respondent

II) CRM-M-18169-2021 (O&M)

Deepak @ Patwari ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision:-28.7.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pratham Sethi, Advocate,
for the petitioner in CRM-M-1152-2021.

Mr. Surender Saini, Advocate,
for the petitioner in CRM-M-18169-2021.

Mr. Vishal Kashyap, AAG, Haryana.
assisted by ASI Hariom.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Mandeep and Deepak @ Patwari seeking grant of regular bail in respect of a case registered vide FIR No.529 dated 15.11.2020 at Police Station Sadar Sonapat, District Sonapat under Sections 148, 149, 307 of Indian Penal Code and Section 25 of Arms Act.
2. The FIR in question was lodged at the instance of Vicky, wherein it is alleged that on 14.11.2020 he had gone to the house of his uncle. At about 10:30 p.m. a Wagon-R car came in front of his uncle's house in which Mukesh and his sons Neeraj and Yogesh were sitting alongwith Mandeep and son of brother of Mukesh, who were all under influence of liquor and were hurling abuses. When the complainant opened the door, Neeraj and Yogesh, who were carrying pistols, started firing upon them indiscriminately. The others were also carrying weapons. The complainant stated that he sustained an bullet injury on his waist. Upon hearing the noise of firing, their neighbours gathered at the spot and thereafter the assailants fled away.
3. Learned counsel for the petitioners have submitted that even as per the FIR none of the petitioner was armed with any pistol or any firearm and that it is the other two co-accused namely Neeraj and Yogesh, who were carrying pistols and who are alleged to have fired at the complainant and others. It has been submitted that the injured had sustained a bullet injury only and which certainly cannot be attributed to any of the petitioners. Learned counsel has further submitted that the petitioner, in any case, has been behind bars since the last about 8 months and challan already stands presented and in these

circumstances, no useful purpose would be served by further detaining them behind bars.

4. Opposing the petition, learned State counsel has submitted that since the petitioner Mandeep is specifically named in the FIR and the identity of petitioner Deepak @ Patwari is also evident as it is mentioned in the FIR that son of brother of Mukesh was also present, the complicity of the petitioners is clearly evident. Learned State counsel has, however, not disputed the fact that the petitioners have been behind bars since the last about 8 months. It has also been informed that none of the petitioner is involved in any other case and that charges are yet to be framed.
5. I have considered rival submissions addressed before this Court.
6. It is not disputed that none of the petitioner was armed with any lethal weapon and that it is the co-accused Neeral and Yogesh, who were carrying pistols and who are attributed firearm injuries sustained by the complainant. The petitioners are not even stated to be involved in any other case and have been behind bars for a substantial period of about 8 months. Conclusion of trial is likely to consume time as the trial has not even commenced since the charges have not been framed so far. In these circumstances, further detention of the petitioners will not serve any useful purpose. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.7.2021

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**