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

(Through video-conferencing)

**CRM-M No.7070 of 2021 (O&M)
Date of Decision: 13.08.2021**

SANJU

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ravinder Bangar, Advocate for the petitioner.

Mr. Vishal Malik, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.624 dated 04.10.2017, registered under Sections 147, 148, 307, 411, 34 IPC and Section 25 of the Arms Act at Police Station Badshahpur, Gurugram.

As per allegations, the complainant Rambir has alleged that on 03.10.2017, there was a day-night cricket match in the ground. Complainant along with his brother Mahendra Singh and son Amit were sitting at the tea stall in the ground. His son Niranjn was sitting on a roller standing at a distance from the tea stall. At about 10.15 P.M., a Honda City car came there. Bhim Singh, Mohit, Sanju and two other boys came out of the car. Mohit, Bhim Singh and Sanju fired 5-6 rounds at Niranjn in

order to kill him. Niranjana received bullet injuries in the left leg and stomach. He ran through other players and the complainant saved his son. Bhim Singh, Mohit, Sanju and two other persons ran away in their car. Brother of the complainant Mahendra Singh started chasing them by closing the iron gate, but they hit the iron gate and fled away in the car. Reason for the occurrence was that about two years ago, a quarrel took place between the parties and the issue was compromised. Mohit came on bail in robbery case in 14 months and due to that enmity, he fired upon the son of the complainant with an intention to kill him.

Learned counsel for the petitioner submits that the complainant himself has used qualified words that Mohit alone has fired the shots. Learned counsel also refers to the statement of injured Niranjana, who has not supported the case of the prosecution. His cross-examination has not yielded any incriminating information.

Learned counsel further submits that the complainant also has not supported the case of the prosecution on being recalled for further cross-examination. Other eyewitnesses namely Amit and Mohinder have also not supported the case of prosecution.

Learned State counsel however opposed the bail on

the ground that the petitioner was declared as a proclaimed offender in July 2019 and was arrested only in February, 2020 and since then he is in custody. Petitioner is having antecedent behaviour of criminal activity as he is involved in 11 other case.

Learned counsel for the petitioner again submits that in all other cases, petitioner is on bail. Out of 5 accused, Bhim Singh has been declared innocent. Mohit, Ravi and Ankush are on regular bail. Out of 22 prosecution witnesses only 10 witnesses have been examined and the trial of the case has been stalled due to the situation arising out of COVID-19 pandemic.

In view of aforesaid facts, I deem it appropriate to enlarge the petitioner on regular bail without adverting anything on merits of the case.

This petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

(RAJ MOHAN SINGH)
JUDGE

August 13, 2021

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No