

In virtual Court

CRM-M-7367-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7367-2021 (O&M)
Date of decision: 29.06.2021

Kamal @ Kamlikant

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rakesh Dhiman, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-15371-2021

For the reasons stated in the application, same is allowed and date of hearing is preponed from 10.09.2021 to today.

CRM stands disposed of.

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Prayer in this petition is for grant of regular bail in FIR No.58 dated 06.04.2019 under Sections 307, 120-B, 34 IPC and Section 25 of Arms Act, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner submits that the petitioner is in

custody since 24.04.2019 and his custody is more than 02 years and 02 months. It is further submitted that as per allegations in the FIR, registered at the instance of one Surjeet, stating that he is a milkman and when he was returning back towards his home on his bike, he came across two persons riding a motorcycle. The driver of the motorcycle was wearing helmet and they asked him the way for going to Bahadurgarh, on which he told them to follow him. Thereafter, the pillion rider opened fire on him. He stopped the motorcycle and cried for help, upon which Sukhbir son of Puran came and took him to the hospital. It is further submitted that the petitioner was not named in the FIR and was later on nominated in the case.

Learned counsel for the petitioner has further submitted that co-accused of the petitioner namely Vikas @ Dhilu has already been granted the concession of regular bail by the Additional Sessions Judge, Jhajjar vide order dated 07.08.2019 and as per the prosecution version, it is co-accused Deepak @ Monu, who has fired shot on the victim Surjeet, has also been granted the concession of regular bail vide order dated 11.05.2021 passed by the Additional Sessions Judge, Jhajjar. It is also submitted that while granting bail to main accused Deepak @ Monu, the trial Court has observed that injured Surjeet as well as his brother Suresh appeared as PW2 and PW3 respectively and they have not supported the prosecution version and have stated that the accused persons have not fired upon the victim. Both these witnesses were declared hostile. During cross-examination by the Public Prosecutor, both these witnesses even denied having made any complaint to the police. It is thus

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submitted that in such circumstances, chances of conviction of the petitioner is bleak, therefore, he is entitled to bail, as he is in long custody.

Learned State counsel, on the basis of custody certificate, has submitted that the petitioner is involved in some other cases, though he is on bail in some of them.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that main accused Deepak @ Monu as well as co-accused Vikas @ Dhilu have already been released on regular bail by the trial Court on the premise that the victim and his brother have not supported the prosecution version and also in view of the fact that the petitioner is in long custody of 02 years and 02 months, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

29.06.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No