

AMAN @ SUKHA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ankur Malik, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI,J. (ORAL)

Custody certificate of the petitioner has been filed by the State
counsel in Court today through email and the same is taken on record.

Aman @ Sukha-petitioner is seeking regular bail in the case bearing
FIR No. 8 dated 28.01.2019 under Sections 307/412 of Indian Penal Code, 1860
and 25/54/59 of Arms Act, registered at Police Station Bapoli, District Panipat.

Briefly, as per the allegations of the prosecution on 28.01.2019, the
petitioner was driving a car and signal to stop was given by a police party which
had held a Nakabandi. One of the occupants of the car fired upon the police party
with an intention to kill. The occupants of the car were apprehended. The
petitioner was driving the car, Sahil @ Lambu had fired upon the police party and
one country made .315 bore pistol along with cartridges were recovered from him.

Besides, Yashu @ Dablu @ Kali another occupant of the car was apprehended and

another country made .315 bore pistol along with two live cartridges were recovered from him.

It has been contended by the learned counsel for the petitioner that though he is involved in two other cases i.e. FIR No. 26 of 2019 under Section 307 read with Section 34 IPC, Police Station Sadar Guhana, District Sonipat and in FIR No. 48 dated 16.01.2019 under Section 379-B IPC and 25 of the Arms Act, Police Station Model Town, Panipat but he has been granted bail by the Co-ordinate Bench of this Court in the former case in terms of order dated 20.07.2020 passed in CRM-M-17178-2020. Furthermore, the co-accused namely, Sahil @ Lambu and Yashu @ Dablu @ Kali have been granted regular bail by the trial Court. It is a case of no injury and firing has been attributed to Sahil @ Lambu co-accused who has been granted bail. The petitioner is in custody since 28.01.2019 and has undergone incarceration for a period exceeding two years and one month. The case of the prosecution is hinging of the deposition of official witnesses only and there is no likelihood of winning over the witnesses in the event the petitioner is granted the concession of bail. Furthermore, so far only three witnesses out of 11 have been examined during the course of trial.

On instructions from SI Krishan, learned State counsel has not disputed the aforesaid facts.

In the case in hand, the co-accused have been granted bail, it is a case of no injury, the firing has not been attributed to the petitioner, the co-accused are on bail, the case of the prosecution is hinging of the deposition of official witnesses only, only three witnesses out of 11 have been examined so far and the petitioner is in custody for a period exceeding 02 years 01 month. As such sufficient grounds are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the

instant petition is allowed. The petitioner is ordered to be released on bail on his

furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

03.03.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No