

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

201

CRM-M-17335-2021

Date of decision: 20.05.2021

Hawa Singh @ Buliya

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Prabhjeet Singh Sullar, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 56 dated 14.03.2019 registered under Sections 307 and 427 read with Section 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Sadar Narnaul, District Mahendergarh.

The above said FIR was registered on complaint of Pardeep Kaushik. In his complaint Pardeep Kaushik alleged that on 13.03.2019 at 8:00 p.m. when he along with his staff Vinay Kashyap, Sughan Singh and Rahul was present in his Restaurant then Leela Ram @ Padarh along with one young boy came on motorcycle and Leela Ram @ Padarh fired with the intention to kill him. The gun shot hit on the window/glass of the main gate of his restaurant and Vinay Kashyap who was sitting on the counter got injured. The police investigated the

case and during investigation arrested the petitioner on the basis of supplementary statement of the complainant as to firing of the shot by the petitioner and his co-accused Nazim in conspiracy with other co-accused Sundar Lal, Yogesh, Vicky and Subhash and on completion of investigation charge-sheeted the petitioner along with other co-accused.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner was not named in the FIR. The petitioner has been falsely involved in the case on the basis of supplementary statement of the complainant. Leela Ram @ Padarh who was named in the FIR by the complainant to have fired the gun shot has been subsequently exonerated by him. As per the supplementary statement of the complainant, Sundar Lal, Yogesh, Vikrant @ Vicky and Subhash conspired and Nazim and the petitioner fired and vandalised the restaurant. No recovery was made from the petitioner. Material witnesses Pardeep Kaushik, Vinay Kashyap, Sughan Singh and Rahul turned hostile and co-accused Nazim, Subhash and Yogesh were acquitted vide judgment dated 16.12.2019. The petitioner was arrested on 13.08.2020 and is in custody since then. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention

of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner committed heinous offences. The petitioner is also involved in one more case. In view of the nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

The involvement of the petitioner in another case is not by itself a ground to reject the bail application and the question of grant of bail to the petitioner has to be considered on the facts and circumstances of the present case.

In view of the facts and circumstances of the case, the nature of accusation and evidence against the petitioner, the fact that co-accused have been acquitted vide judgment dated 16.12.2019 and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid- 19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds by him to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.05.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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