

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

DECIDED ON: 15th December, 2021

(1) CRM-M-18453 of 2021

Rakesh @ Chhotu

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

(2) CRM-M-22951 of 2021

Amandeep @ Khalnayak

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Keshav Pratap Singh, Advocate and
Mr. Aditya Sanghi, Advocate for petitioner(s).

Ms. Harpreet Kaur, AAG Haryana.

Mr. S.S. Chahal, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

Petitioners-Rakesh @ Chhotu and Amandeep alias Khalnayak are before this Court seeking regular bail in case of FIR No. 518 dated 2.9.2020, under Sections 307, 323, 506 read with Section 148, 149, 34 IPC, 1860 and Section 25 of Arms Act, 1959, registered at Police Station City Sirsa, District Sirsa.

As per the allegations of complainant-Vishal alias Vishnu, on 1.9.2020, Aman and Chhotu came near Maruti Temple, Noharia Bazar, Sirsa and raised a lalkara for teaching lesson for an earlier incident. The complainant alongwith Sonu and Himanshu came to the house of Aman to inquire about the reason for the incident. Aman, his brother Karandeep, Gagandeep, their father Gurjeet and Chhotu Sorgar, were present at the roof of the house of Aman. Firing was done by Aman. Pellets hit the legs of the complainant. The other co-accused indulged in stone pelting. The complainant party sustained injuries.

Learned counsel for the petitioners submits that it is a case of false implication. There is no gun shot injury. The complainant in his deposition made before the Court has not supported the case of the prosecution.

Learned State counsel on instructions is not in a position to dispute the position that the complainant has not supported the case set up by the prosecution and the fact that in the MLR there is no gun shot injury. She fairly submits that the petitioner-Rakesh is in custody since 2.9.2020 and petitioner-Amandeep is in custody since 10.10.2020, investigation is complete.

Without commenting upon the merits of the case, considering the custody period, the factum of complainant not supporting the case of prosecution would be subject matter of trial and the fact that out of twenty-three prosecution witnesses, only two witnesses have been examined, conclusion of trial is likely to take time, petitioners are granted bail on their furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

Since main petition is allowed, the pending miscellaneous applications, if any stands disposed of.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Photocopy of this order be placed on the file of connected case.

(AVNEESH JHINGAN)
JUDGE

15th December, 2021
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Whether speaking/reasoned *Yes*
Whether reportable *Yes*