

CRM-M-19251-2021

Date of Decision: 10.09.2021

VIRENDER ALIAS JITENDER

...Petitioner

vs.

STATE OF HARYANA

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Rahul Rathore, Advocate for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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B.S. Walia, J. (Oral)

1. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.689 dated 07.11.2020 registered under Sections 148, 149, 307, 506 IPC and Section 25,54,59 Arms Act at Police Station Assandh, District Karnal.

2. Learned counsel contends that the petitioner was implicated in the instant case on the basis of complaint dated 07.11.2020, filed by Pawan Kumar, Sarpanch, Gram Panchayat, Bahri that he along with Virender Singh, Patwari, Gram Sachiv and police party had gone to the spot for demarcation and fencing of the shamlat land on 07.11.2020, possession of which had been taken by the panchayat in pursuance of the Court orders and which was in the illegal possession of the accused party but number of accused including the petitioner had prevented the complainant as well as the police officials in going ahead with demarcation and fencing. Learned counsel contends that the allegations are of the petitioner and co-accused Vikas, having fired with a gun on the complainant but no injury was caused to anybody, besides co-accused Ishwar, Sompal, Surinder Pal, Navneet,

Kamaljit and Abhimanyu, had been granted the concession of anticipatory bail vide order dated 25.11.2020, by the learned Sessions Court and said order has been made absolute, that the petitioner is in custody since 31.01.2021, challan has been presented though charges are yet to be framed, there are 21 prosecution witnesses, there is no other case registered against the petitioner, trial of the case is likely to take considerable period of time therefore no useful purpose would be served by keeping the petitioner in custody.

3. Learned State counsel on instructions from ASI, Ram Avtar, contends that the case of the petitioner is distinguishable from that of co-accused, who were released on anticipatory bail as no overt act is attributed to said co-accused while the petitioner fired on the complainant party with a country made pistol. He, however, concedes that no injury was caused to any person and that the petitioner has been in custody since 31.01.2021, challan has been presented, though charges are yet to be framed, and that there are 21 prosecution witnesses.

4. I have considered the submissions of learned counsel for the parties and by taking into account all aspects of the matter but without commenting upon the merits of the case, I am of the view that no useful purpose would be served by keeping the petitioner behind bars as investigation is complete, challan has been presented though charges are yet to be framed, there are 21 prosecution witnesses and conclusion of trial would take considerable period of time. Accordingly, the petition for regular bail is **allowed** and the petitioner ordered to be released on regular bail, during the pendency of the trial subject to his furnishing

bail / surety bonds to the satisfaction of the learned CJM / Trial Court /  
Duty Magistrate, concerned, provided he is not required in any other  
case. The petitioner shall also abide by the conditions contained in  
Section 437(3) Cr.P.C. However, nothing stated hereinabove shall be  
construed as an expression of opinion on the merits of the case.

5.                   Petition allowed in the aforementioned terms.

**(B.S. Walia)**  
**Judge**

**10.09.2021**  
*rajesh*

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