

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

**CRM-M-16046-2020
Date of decision: 08.01.2021**

Sachin @ Shooter

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ajay Singh, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No. 199 dated 06.05.2018, registered under Sections 302/307/34 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Sector Rai, District Sonipat.

Learned counsel for the petitioner submits that petitioner is in judicial custody since 10.06.2018 and out of total 23 prosecution witnesses, only 05 witnesses have been examined so far.

Learned counsel further submits that as per the allegations in the FIR, registered at the instance of complainant Indrawati, wife of deceased Maha Singh, it is stated that she had a son, namely Mukesh, who had died two months ago. It is further stated that main accused Samunder @ Monu, who is the son of Mukesh, had an argument with his grandfather regarding transfer of land and while arguing, he fired a shot on her husband, however, the same did not hit him and he was saved. It is further stated that

on that pretext, Samunder @ Monu kept a grudge against his husband and on the day of incident, he came to their house along with his two friends. At that time, her husband Maha Singh, who was aged about 68 years, was lying on a bed and Samunder @ Monu, with an intention to kill him, fired a gun shot which hit Maha Singh and the friends of Samunder @ Monu provoked him to kill his grandfather. Thereafter, accused persons ran away and Maha Singh was taken to a hospital, where he died.

Learned counsel further submits that later on, the petitioner was nominated in this case on the disclosure of main accused Samunder @ Monu and co-accused Mohit and recovery of three fire arms have been effected from them separately in FIR No. 213 of 2018.

Learned counsel further submits that during investigation, it has come that the bullets fired by aforesaid Samunder @ Monu and Mohit hit the deceased, whereas the bullet fired by the petitioner did not hit him.

Learned counsel for the petitioner refers to the statement of PW-1/complainant Indrawati to submit that she has not supported the case of the prosecution as she has not identified either of the three accused persons who have fired shots on deceased Maha Singh. In her cross-examination, she stated that the police has taken her thumb impression on a blank paper and in further cross-examination by the public prosecutor, she admitted that Maha Singh was the grandfather of Samunder @ Monu.

Learned counsel further argues that in view of the statement of PW-1/complainant Indrawati, the only evidence against the petitioner is the disclosure of co-accused Samunder @ Monu and his own statement was recorded in FIR No. 213 of 2018, wherein fire arms were recovered.

Learned State counsel, on the basis of the affidavit of the

Superintendent of Police, Sonipat, has not disputed the factual position. In para 7 of the affidavit, it is stated that the bullet fired by the petitioner did not hit deceased Maha Singh, rather, co-accused Samunder @ Monu and Mohit fired two gun shots which hit him.

Learned State counsel further submits that petitioner is involved in some other cases under Sections 379-B, 393, 395 of the IPC and also in one FIR i.e. under Section 302 IPC, in which the recovery of aforesaid weapons was made.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 10.06.2018; the eyewitness i.e. PW-1/complainant Indrawati has not identified him and also in view of the fact that due to COVID-19 situation, the trial is not proceeding, the instant petition is allowed and the petitioner is ordered to be released on regular bail, on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

08.01.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No