

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-22764-2021 (O&M)

Date of Decision:- 10.8.2021

Rahul

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Thakur, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by SI Jagmohan.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-18497-2021

In view of the reasons mentioned in the application, the same is allowed and documents i.e. Annexures A-1 to A-6 are taken on record subject to all just exceptions.

CRM-M-22764-2021 (O&M)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.215, dated

06.10.2020, Police Station Ateli, District Mohindergarh, under Sections 148/149/323/307 IPC and Section 25/54/59 of Arms Act.

2. The FIR in question was lodged at the instance of Sanjeev @ Sanjay, wherein it has been alleged that on 06.10.2020, he alongwith Manoj, Ghanshayam and Virender were going on car bearing registration No.HR19H-6595, which was being driven by him. It is alleged that at about 4.05 PM, when he parked the car near Kanina Chowk, Ateli Mandi, Ghanshayam alighted from the car while he was sitting on the driver seat. It is alleged that at that point of time, a Bolero camper car came from the side of Kanina and hit against their car and resultantly their car struck with a fruit Rehri. Thereafter, three more vehicles came there and 20/25 persons alighted from the said vehicles and started firing at them with an intention to kill them. The said persons attacked their car with 'sticks', 'farsi', 'iron rod' and 'sword'. It is alleged that one bullet hit on the hand of the complainant. While Jitender ran away, Manoj was hit on his hip with a bullet. He also sustained injuries on his head. The complainant identified some of the accused as Deva, Rahul Lamba, Pawan Lamba, Rahu, Maandi, Devi Lal Pahari, Pardeep @ Jurat, Shiv Kumar, Rantej and Sonu Titar.
3. Learned counsel for the petitioner submits that he has falsely been implicated in the instant case and that in any case even as per the case of the prosecution the petitioner was merely carrying a 'stick'.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and he also happens to

be involved in two other cases, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 10 months and that till date not even a single PW out of the cited 20 PWs has been examined.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner has been behind bars for a substantial period of 10 months and that conclusion of trial is likely to consume time as not even a single PW out of the cited 20 PWs has been examined so far, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.8.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No