

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106+204)

CRM-20726-2021 in/and
CRM-M-23891-2021
Date of Decision : July 20, 2021

Rohit and another

.. Petitioners

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mahendra Singh Tewatia, Advocate,
for the applicant-petitioners.

Ms. Shubhra Singh, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-20726-2021

Present application has been filed for placing on record statement of PW-1 dated 09.04.2021 as Annexure P-2 and also exemption from filing the certified copy of the same.

Keeping in view the averments made in the application, the same is allowed and statement of PW-1 dated 09.04.2021 as Annexure P-2 is permitted to be taken on record.

CRM-M-23891-2021

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.206 dated 05.07.2020 registered under Sections 307, 392, 394, 397, 452 and 34 IPC as

well as Section 25 of the Arms Act, 1959 at Police Station Saran, District Faridabad.

Learned counsel for the petitioners submits that Section 307 IPC has been added on the ground that there was a use of firearm by the petitioners but no one has got hurt. Learned counsel for the petitioners further submits that challan has already been submitted and even the complainant has already been examined and in the testimony, the complainant has not identified the petitioners as the assailants. Learned counsel for the petitioners further submits that once the material witness has already been examined, keeping the petitioners behind the bars will serve no useful purpose.

Notice of motion.

Ms. Shubhra Singh, learned Additional Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent submits that though, the complainant has already been examined and he has not been able to identify the petitioners as culprits but there is other evidence, which is yet to be produced during the trial and hence, the petitioners cannot claim innocence on the basis of said statement alone. Learned counsel for the respondent further submits that there are also other FIRs registered against the petitioners which shows that the petitioners are habitual offenders.

Learned counsel for the petitioners submits that in the FIR which is being mentioned by the State counsel, petitioner No.1 has already been acquitted and in respect of petitioner No.2, he is already on bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Material witness has already been examined and he has shown his doubt with regard to the commitment of the crime by the petitioners. Though, the entire evidence is yet to be led in the trial, which will establish the innocence or the guilt of the petitioners, but as the trial is likely to take some more time before it concludes, there will be no justifiable reasons to keep the petitioner behind the bars any further as of now.

In view of the above, the petitioners have made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioners undertakes that petitioners will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 20, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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