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

**CRM-M No.24013 of 2021(O&M)
Date of Decision: 01.07.2021**

Meenu @ Ravi and another

.....Petitioners

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sunil Chaudhary, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.80 dated 15.03.2019 registered under Sections 307, 341, 34 IPC and Sections 25, 54, 59 of the Arms Act (Sections 54 and 59 of the Arms Act added later on) at Police Station Sadar Dadri, District Charkhi Dadri.

The FIR was registered at the instance of Sombir @

Kala with the allegations that on 15.03.2019, he and his father were going to their field for harvesting the mustard crop on their motorcycle. When they reached near canal, Meenu (petitioner No.1) and one another person came from the front side on a motorcycle and dashed the same into the motorcycle of the complainant. Complainant fell down from the motorcycle and in the meantime, petitioner No.1 who was pillion rider on the motorcycle fired upon the complainant. Complainant received the firearm on his thigh. In order to save themselves, both complainant and his father entered into the house of Ramesh (uncle of the complainant).

Learned counsel for the petitioners submits that the complainant Sombir and his father Ram Avtar while appearing as PW1 and PW2 have not supported the case of the prosecution and they have been declared hostile. Their cross-examinations did not yield any incriminating material in favour of the prosecution. They have been thoroughly cross-examined on 12.04.2021 by the Public Prosecutor. Bail has been declined to the petitioner on the premise that second eye-witness Ramesh is still to be examined. Learned counsel further submits that Ramesh is not the eye-witness. As per prosecution case itself, it was the house of Ramesh, where the complainant and his father made entry after the occurrence.

Learned State counsel, however, opposed the bail on the ground that FSL report supports the prosecution case. In the present FIR, only one empty cartridge has been recovered. The weapon in question and one more weapon have been recovered in some other case in Rajasthan, District Sawai Modhopur.

All these pleas would remain debatable as the same have been disclosed in the disclosure statement of the accused. Petitioner is in custody since 14.12.2019. Challan has been presented and charges have been framed. Out of total 21 prosecution witnesses, only two witnesses have been examined. The trial of the case may take some time in its culmination.

In view of aforesaid factual position and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioners on regular bail without adverting to the merits of the case,.

In view of above, petition is allowed. Petitioners are ordered to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to

be an expression of any opinion on merits of the case.

01.07.2021	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No