

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
(215)**

**CRM-M-26651-2021
Date of decision:- 19.07.2021**

Yunik

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Parvesh Jaglan, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

...

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.67 dated 05.06.2020 under Sections 186, 332, 353 and 307 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Jathlana, District Yamuna Nagar (Annexure P-1).

Counsel for the petitioner has urged that two FIRs have been registered on the same day. The first FIR bearing No.78 was registered on the allegation that three boys, who were riding on a motorcycle had shot on Ranjor, son of Jitender, and fled from the spot. The present FIR (Annexure P-1) has been registered on the allegation that when those three boys were

confronted by the police officials, one of them fired at them and hid in the fields. Counsel submits that in both the FIRs, there is no allegation against the petitioner of firing. In the first FIR, he submits that the shot was allegedly fired by Anshul @ Khanna, whereas in the present FIR, the allegation of firing is against Rajat @ Dhani, who has been granted bail by this Court vide order dated 08.06.2021 passed in CRM-M-18304-2021 (Annexure P-2) . It is his arguments that the petitioner is not named in the FIR and has been falsely implicated. He submits that the investigation qua the petitioner is complete, challan has been presented and the petitioner who is in custody since 05.06.2020, deserves to be enlarged on bail.

Per contra, learned State counsel upon instructions from ASI Daulat Ram, has opposed the petition and urged that the petitioner and co-accused, Anshul @ Khanna, were arrested on the spot and on the basis of their disclosure statement, co-accused, Rajat @ Dhani, was arrested. He submits that though no recovery is effected from the petitioner but his name is mentioned in the FIR. As per his instructions, challan has been presented on 12.12.2020 and prosecution evidence is underway.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offences and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner-Yunik is ordered to be released on bail

on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

19.07.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No