

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

Sr.No.212

CRM-M No.29484 of 2021 (O&M)

Date of Decision: 22.11.2021

Satnarayan @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Saurabh Dalal, Advocate,
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana
for the respondent-State.

* * * *

MEENAKSHI I. MEHTA, J. (ORAL)

The petitioner herein seeks the relief of regular bail in the criminal case arising out of the FIR bearing No.89 dated 16.04.2021 registered at Police Station Linepar Bahadurgarh, District Jhajjar, under Section 307 read with Section 34 IPC and Section 27 of the Arms Act, with the allegations that he and his co-accused, chased the complainant party and he fired shot at them with intention to kill them.

Learned State counsel has submitted the Reply (copy) on behalf of the respondent-State, filed by way of the affidavit of the Deputy Superintendent of Police, Line Par Bahadurgarh, District Jhajjar, in the Court today and the same has been placed on the file.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file

.....

thoroughly.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case as the complainant happens to be a close relative of the MLA of the area and even otherwise, none from the complainant party suffered any injury at the hands of the petitioner and moreover, the petitioner is also not involved in any other criminal case and is behind the bars since the date of his arrest, i.e. 16.04.2021 and it being so, he deserves the relief as prayed for in this petition.

Per contra, learned State counsel argues that the fire-arm, as used by the petitioner in the commission of the crime in this case, has already been recovered from him and though, the Challan has been presented in the Court and the charges have also been framed but the complainant is yet to be examined as a witness before the trial Court and if released on bail, he (petitioner) may threaten the complainant and other material prosecution witnesses and keeping in view these circumstances, this petition be dismissed.

The question as to whether the petitioner has been falsely implicated in the present case or not, can and shall be looked into and adjudicated upon by learned trial Court at the appropriate stage after appreciating and evaluating the evidence that would be led on the record during the course of the trial and this fact cannot be ascertained at this stage while deciding this petition.

Even if no one from the complainant party suffered any fire-

.....

arm injury even then, the fact remains that to constitute an offence under Section 307 IPC, the intention/*mens-rea* and the knowledge are the key decisive factors and the same would also be a subject matter for consideration and determination by/before the trial Court at the relevant stage in the light of the evidence as may be led on the record during the trial proceedings.

Mere fact that the petitioner has been in custody since 16.04.2021 can, in no way, be taken to be a cogent ground to extend the relief of regular bail to him specially in the circumstances when the complainant is yet to appear in the witness-box before the trial Court.

Keeping in view all the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of regular bail. Resultantly, the petition in hand stands dismissed.

22.11.2021

neetu

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No