

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

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CRM-M-30134-2021

Date of Decision : August 06, 2021

RAVINDER @ KHEMA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sandeep Kotla, Advocate for the petitioner.
Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.214 dated 10.5.2021 under Sections 307 and 201 read with Section 34 IPC and Section 25 of the Arms Act, Police Station City Fatehabad.

The learned counsel for the petitioner has submitted that as per the contents of the FIR itself which was made on the basis of the statement made by one complainant, namely, Mukesh Kumar that when a fight took place then one of the co-accused, namely, Vishnu handed over his illegal pistol to the petitioner and the petitioner had pointed out to the same on the temple of the complainant but at the same time when the complainant stopped them, then suddenly the aforesaid co-accused, namely, Vishnu snatched the pistol from the petitioner and fired shot on the left side of his temple and said that he will teach a lesson for money demanding money.

Learned counsel for the petitioner has submitted that a bare perusal of the FIR would show that the injury if any was caused by the co-accused, Vishnu and, therefore, the injury was not attributable to the petitioner. He further submitted that the petitioner is in custody since 25.05.2021 and the entire investigation has been completed and the challan has been presented in the competent Court. He further submitted that he is not involved in any other case and he has been falsely implicated in the present case.

On the other hand, Mr. Panwar, learned DAG, Haryana has submitted that so far as the custody of the petitioner is concerned, the same is not in dispute and it is also not in dispute that the investigation in the case is complete and the challan has also been presented before the competent court and no recovery is to be made from the petitioner.

I have heard learned counsels for the parties.

So far as the custody period of the petitioner is concerned, he is in custody since 25.05.2021 and after investigation was conducted, the challan was presented in the competent Court. It is the case of the parties that no recovery is to be effected from the petitioner. The trial of the case would take some long time to conclude. As per the FIR, the injury was not attributable to the petitioner but was attributable to the other co-accused, namely, Vishnu. As per the learned counsel for the parties, the petitioner is not involved in any other case. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the circumstances of the present case,
I deem it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner
is ordered to be released on bail on furnishing of bail bonds and surety
bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty
Magistrate.

August 06, 2021
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No