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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.26035 of 2020 (O&M)

Decided on: 28.01.2021

Sukhdev Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sagar Aggarwal, Advocate
for Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-21831-2020

Heard.

Allowed as prayed for.

CRM-M-26035-2020

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.181 dated 14.02.2020, for offence punishable under Sections 307, 394, 511 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') and 25 of the Arms Act registered at Police Station Thanesar City, District Kurukshetra.

Counsel for the petitioner has argued that as per the allegations in the FIR, on 13.02.2020 when the complainant, who is a jeweller, was closing his shop, a young boy approached him and requested for showing some jewellery. On which, the complainant

CASE HEARD THROUGH VIDEO CONFERENCING

became suspicious and in the meantime, one more boy came inside the shop and a third boy opened a pistol on the complainant. The wife of the complainant opened the back door and one of the accused fired a shot, which hit on the left arm of the complainant and thereafter, the accused persons fled away from the spot on a motorcycle.

Counsel for the petitioner has further submitted that the petitioner was not named in the FIR and his name surfaced on the basis of the disclosure statement of co-accused namely Rahul, who is arrested in another FIR No.165 dated 12.02.2020 under Sections 379, 420, 473, 411 IPC, Police Station City Thanesar.

Counsel for the petitioner has also argued that the investigation is complete and even the petitioner was also nominated in the aforesaid FIR No.165 wherein he has already granted the concession of bail. It is further submitted that the petitioner is in custody since 29.04.2020 and till date, no PW has been examined and it will take some time in conclusion of the trial.

Counsel for the State has not disputed the factual position but opposed the prayer for bail on the ground that the as per the disclosure statement of Rahul, the petitioner was nominated in the case and as per his further disclosure statement, it is the Rahul, who has opened the fire shot on the complainant.

After hearing the counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner has been nominated as an accused on the basis of the disclosure statement of the co-accused Rahul; he is on bail in another FIR; the custodial interrogation of the petitioner is not required and the

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conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

28.01.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No