

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26954-2020.
Date of Decision:-13.01.2021.

Mandeep alias Sarkari

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Devinder Singh, Advocate for the petitioner.

Mr. Minderjeet Yadav, DAG, Haryana.

SANJAY KUMAR, J. (Oral)

By way of this petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in relation to FIR No.450 dated 29.09.2018 on the file of Police Station Tosham, District Bhiwani, registered under Sections 307, 34, 120-B IPC and Section 25 of the Arms Act, 1959.

The earlier bail petition filed by the petitioner in **CRM-M-10013-2020** was dismissed as withdrawn on 17.07.2020.

The case of Baldev Kumar, the complainant at whose behest the subject FIR was registered, was that when he was present in his hotel at around 9.00 p.m. on the fateful day, two boys, of whom he knew one personally as Sonu, son of Bakshish, came there on a bike and fired two gun shots upon him. Significantly, the complainant did not name the petitioner as the second boy at that stage. However, he seems to have made a

supplementary statement on 01.10.2018 to the effect that the second person who came on the bike along with Sonu was the petitioner. The said statement did not account for this sudden knowledge on the part of the complainant, as his earlier statement was categorically to the effect that he only knew one of the two boys, personally and by name. That apart, Baldev Kumar, the complainant, turned hostile before the learned Additional Sessions Judge, Bhiwani, in the course of the trial pertaining to this case.

Given these facts, this Court is of the opinion that the petitioner would be entitled to grant of bail, subject to conditions. Be it noted that though the *challan* was filed in relation to this case and charges were framed on 04.06.2019, there is no possibility of its speedy disposal owing to the prevailing situation caused by the Covid-19 pandemic.

The petition is accordingly allowed directing the release of the petitioner on regular bail in FIR No.450 dated 29.09.2018 on the file of Police Station Tosham, District Bhiwani, upon his furnishing a personal bond for a sum of ₹ 1,00,000/- along with a surety for a like sum to the satisfaction of the Duty/Illaq Magistrate concerned. Further, the petitioner shall not offer any inducement, threat or promise to any person connected with the case and shall maintain peace and lawful conduct.

(SANJAY KUMAR)
JUDGE

January 13, 2021.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes / No

Yes / No.