

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

\*\*\*\*\*

CRM-M-37258-2020

Date of Decision: 28.01.2021

Abhishek

....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present : Mr. Satya Vir Singh Yadav, Advocate,  
for the petitioner.

Mr. Naveen Sheoran, Deputy Advocate General, 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 FIR No.191 dated 15.04.2018, under Sections 307, 379-B and 34 of the Indian Penal Code and 25 of the Arms Act, (at the time of submission of report under Section 173 Cr.P.C., Sections 379-B IPC and 25 of the Arms Act were deleted and Sections 394 and 397 IPC and 27 of the Arms Act were added), registered at Police Station Ganaur, District Sonipat.

As per the FIR, three boys had entered into a hotel and ordered for packing of food and one boy pointed a pistol at the complainant by saying that the entire cash be handed over to them otherwise he will shoot him with bullet, upon which the complainant told that he has only Rs.500/-, hearing which, one boy tried to lift the cash box and one of them fired twice at him with an intention to kill him and one bullet hit him at foot

and another at hips thereafter, the three boys ran away in their white car.

The learned counsel for the petitioner has submitted that in the present case, petitioner was falsely implicated and his name was not mentioned in the FIR and he has been implicated falsely by the police by way of nomination. He has further submitted that the number of the present FIR is No.191, dated 15.04.2018 and the police had got registered another FIR bearing No.190, on the same date in the same police station on false allegations, in which the petitioner has already been acquitted by the learntned trial Court. He has further submitted that in the present case, the investigation has already been completed and the challan has already been presented and the matter is fixed for prosecution evidence. He has further submitted that the petitioner is in custody since 18.08.2018 and during the trial, the prosecution witnesses are not turning up despite repeated adjournments given by the trial Court and bailable warrants issued against the complainant and other prosecutors. He has also relied upon the orders of learned trial Court dated 22.02.2019, 01.05.2019, 10.07.2019, 26.08.2019, 30.09.2019 and 21.01.2020 to show that repeatedly warrants were issued to the prosecution wintesses but they have failed to come before the trial Court.

The learned State counsel has submitted that it was a case where the petitioner has been nominated on the basis of investigation done in the present case. However, the learned State counsel has not disputed the factum that the present petitioner was acquitted in FIR No.190, dated 15.04.2018 and this fact has been incorporated in the status report, which has been filed by the State.

Therefore, considering the totality of the facts and

circumstances of the present case, I deem it fit and proper to admit the petitioner on bail. Consequently, the present petition is allowed. The petitioner shall be admitted to regular bail on his furnishing bail/surety bonds subject to the satisfaction of the learned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

**28.01.2021**  
adhikari

**(JASGURPREET SINGH PURI)**  
**JUDGE**

|                               |   |        |
|-------------------------------|---|--------|
| Whether speaking/non-speaking | : | Yes/No |
| Whether reportable            | : | Yes/No |