

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-42271-2021

DATE OF DECISION: DECEMBER 6, 2021

BHUPINDER TADA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ADITYA SANGHI, ADVOCATE FOR THE PETITIONER.
MR. RANVIR SINGH ARYA, ADDL.A.G., HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.515 dated 26.11.2020, under Section 307/506/282 IPC and Section 25/27/29 Arms Act, Police Station Rania, District Sirsa, who is in custody since his arrest on 10.2.2021.

The allegations contained in the FIR as noticed by the Sessions Judge, Sirsa in the order dated 30.9.2021, are as under:-

“On 26.11.2020, on receipt of information from Control Room, Sirsa regarding firing a shot at Bus Stand, Dudiawali, police party headed by Jagdish Kumar reached Bus Stand, Dudianwali, where complainant Rajat son of Shri Khub Chand Mehta, resident of Dudiawali submitted an application that at about 11:30 AM, he was standing at Bus Stand, Dudiawali, when Bhupender Tada (present applicant) came there on a mare and on seeing him, he fired a shot upon him from the pistol loaded with magazine with an intention to kill him. Complainant saved himself by turning to a side. The present applicant tried to fire second shot from his pistol,

however, the bullet got entangled in the magazine, so the second shot could not be successful. On seeing Subhash Chander, uncle of complainant, present applicant fled away from the spot while extending a threat to kill the complainant”

Learned counsel for the petitioner has argued that admittedly in the alleged occurrence, no injury was suffered by the victim (complainant) and as per prosecution also the petitioner allegedly fired in air. He submits that the petitioner has been falsely implicated and the complainant is an accused in case FIR No.0315 dated 17.8.2019, under Section 307/34/120-B IPC and Section 25 Arms Act, Police Station Rania, District Sirsa, lodged at the instance of the petitioner's brother. He submits that the investigation of the case is complete and therefore, he be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by SI Kheta Ram does not dispute the above aspect narrated by learned counsel for the petitioner, but states that charges have been framed, however, the trial is yet to commence.

Considering the above background, custody of the petitioner and the fact that the investigation of the case is complete and charges have been framed, therefore, this Court is of the opinion that further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 10.2.2021, as the trial of the case is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

December 6, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No